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GOVERNANCE *in* INDIA

For Civil Services Examinations

- Rights Issues
- Public Policy
- Administrative System
- Social Justice
- Comparing Constitutions

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M Laxmikanth
Founder-Director
Laxmikanth's IAS
Hyderabad



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To
My wife
M. Vidya

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Preface to the Second Edition

I am pleased to place before civil service aspirants a thoroughly revised, enlarged and updated edition of this book on **Governance in India**.

In 2011 and 2013, the UPSC changed the pattern and syllabus of the Preliminary and Main examinations, respectively. In Paper I of the Preliminary Examination and in Paper III (General Studies-II) of the Main Examination, the topic of **Governance in India** has been included as a new area of study. This new edition of the book is intended to meet the requirements of the candidates in this subject.

Changes in this Edition

1. Addition of 6 new chapters
2. Addition of 6 new appendices
3. Inclusion of additional updated information on a number of topics
4. Inclusion of new items in various chapters
5. Extension of chapter on *Public Policy*
6. Renaming of some chapters as per the new syllabus
7. Shifting of some topics from one chapter to another as per requirements of aspirants
8. Deletion of those chapters/topics which were overlapping with the widely-read **Indian Polity** book.

New Chapters

1. *Quasi-Judicial Bodies*
2. *Government Interventions for Development*
3. *Welfare Schemes for Vulnerable Sections*
4. *Laws for Protection of Vulnerable Sections*
5. *Institutions and Bodies for Vulnerable Sections*
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1. Committee on Civil Service Reforms (Hota)
2. Seventh Pay Commission Constituted

3. 14th Finance Commission Constituted
4. 20th Law Commission Constituted
5. Practice Questions on Governance (General Studies—Prelims)
6. Practice Questions on Governance (General Studies—Mains)

Therefore, it is hoped that this comprehensive volume will be more useful and relevant for these examinations.

I invite suggestions and comments from the readers of this book. They will be incorporated in the next edition of the book.

M. LAXMIKANTH

Preface to the First Edition

I have great pleasure in placing before you my latest book for civil services aspirants. The book is aimed to meet the requirements of the new pattern and syllabus of the UPSC.

As all of you are aware, the UPSC has changed the pattern and syllabus of the civil services Preliminary Examination this year (2011). In Paper I of the new syllabus, the topic *Governance in India* has been included as a new area of study. This book is intended to meet the requirements of the aspirants in this regard. It will also be extremely useful for the Main Examination Paper on General Studies as well as some key optional subjects in the main examination like Public Administration, Political Science, Law, Sociology and Anthropology.

This comprehensive volume will enable the readers to acquire a complete and detailed understanding of the subject. It covers all dimensions of the subject, *viz*, structure of governance, process of governance, institutions of governance and issues in governance. My first-hand experience of coaching the candidates for the Civil Services examinations has been a great source of inspiration and has helped me immensely in writing this book.

This book has four ingredients:

- (a) Chapter-wise study material
- (b) Question banks for all chapters
- (c) Appendices
- (d) Practice tests

All efforts have been made to make the contents relevant and up-to-date.

I welcome all constructive comments and concrete suggestions from the readers of this book.

M LAXMIKANTH

Acknowledgements

During the course of writing this book, I have received the help, encouragement and assistance from my teachers, students, family members, colleagues, friends, library staff and others. I am thankful to all of them.

I am particularly grateful to my wife Smt. M. Vidya for her encouragement and support that she provided during the preparation of this book.

I am deeply indebted to the eminent writers, experts and research scholars whose valuable works have been highly useful in writing this book.

I am grateful to the editorial team at McGraw Hill Education India for their cooperation in bringing out this revised edition on time.

M LAXMIKANTH

PRELIMINARY EXAMINATION

Paper-I (General Studies)

Indian Polity and Governance—Constitution, Political System, Panchayati Raj, Public Policy, Rights Issues, etc.

MAIN EXAMINATION

Paper-III (General Studies-II)

(Governance, Constitution, Polity, Social Justice and International Relations)

- Indian Constitution—historical underpinnings, evolution, features, amendments, significant provisions and basic structure.
- Functions and responsibilities of the Union and the States, issues and challenges pertaining to the federal structure, devolution of powers and finances up to local levels and challenges therein.
- Separation of powers between various organs dispute redressal mechanisms and institutions.
- Comparison of the Indian constitutional scheme with that of other countries
- Parliament and State Legislatures—structure, functioning, conduct of business, powers & privileges and issues arising out of these.
- Structure, organization and functioning of the Executive and the Judiciary Ministries and Departments of the Government; pressure groups and formal/informal associations and their role in the Polity.
- Salient features of the Representation of People's Act.
- Appointment to various Constitutional posts, powers, functions and responsibilities of various Constitutional Bodies.
- Statutory, regulatory and various quasi-judicial bodies
- Government policies and interventions for development in various sectors and issues arising out of their design and implementation.
- Development processes and the development industry—the role of NGOs, SHGs, various groups and associations, donors, charities, institutional and other stakeholders
- Welfare schemes for vulnerable sections of the population by the Centre and States and the

performance of these schemes; mechanisms, laws, institutions and Bodies constituted for the protection and betterment of these vulnerable sections.

- Issues relating to development and management of Social Sector/Services relating to Health, Education, Human Resources.
- Issues relating to poverty and hunger.
- Important aspects of governance, transparency and accountability, e-governance—applications, models, successes, limitations, and potential; citizens charters, transparency & accountability and institutional and other measures.
- Role of civil services in a democracy.
- India and its neighborhood—relations.
- Bilateral, regional and global groupings and agreements involving India and/or affecting India's interests
- Effect of policies and politics of developed and developing countries on India's interests, Indian diaspora.
- Important International institutions, agencies and fora—their structure, mandate.

This book focuses exclusively on topics on Governance and does not include those topics already covered in Laxmikanth's *India Polity* book.

HUMAN RIGHTS

Human Rights are those rights to which all humans are entitled merely by virtue of being humans. They are the inalienable and inviolable rights of all human beings. They derive from the inherent dignity of human beings. They are essential for human survival and human development.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights was adopted by the UN General Assembly in 1948. This declaration represents the first international expression of human rights to which all human beings are entitled. It is described as the “International Magna Carta”.

The declaration consists of 30 articles which can be divided into four parts. These are explained below.

The first two articles contain the basic principles underlying all human rights. Thus, they state as follows:

-
- | | |
|-------------|---|
| Article 1 : | All human beings are born free and equal in dignity and rights. |
| Article 2 : | Everyone is entitled to all the human rights and freedoms, without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. |
-

Articles 3 to 21 consist of civil and political rights. They are as under:

-
- | | |
|--------------|---|
| Article 3 : | Right to life, liberty and security |
| Article 4 : | Freedom from slavery and servitude |
| Article 5 : | Freedom from torture and inhuman punishment |
| Article 6 : | Right to recognition as a person before the law |
| Article 7 : | Right to equality before the law |
| Article 8 : | Right to judicial remedy |
| Article 9 : | Freedom from arbitrary arrest or exile |
| Article 10 : | Right to a fair trial and public hearing |
| Article 11 : | Right to be presumed innocent until proved guilty |
| Article 12 : | Right to privacy and reputation |
| Article 13 : | Right to freedom of movement |

Article 14 :	Right to seek asylum
Article 15 :	Right to a nationality
Article 16 :	Right to marriage and family protection
Article 17 :	Right to own property
Article 18 :	Freedom of thought, conscience and religion
Article 19 :	Freedom of opinion, expression and information
Article 20 :	Freedom of peaceful assembly and association
Article 21 :	Right to participate in government and equal access to public service

Articles 22 to 27 contain economic, social and cultural rights. They are mentioned below:

Article 22 :	Right to social security
Article 23 :	Right to work and equal pay for equal work
Article 24 :	Right to rest and leisure
Article 25 :	Right to adequate standard of living for health and well-being including food, clothing, housing, medical care, social services and security.
Article 26 :	Right to education
Article 27 :	Right to participate in cultural life of community

The last three articles specify the context within which all the human rights are to be enjoyed. Thus, they state as under:

Article 28 :	Everyone is entitled to a social and international order in which the above rights and freedoms can be fully realised.
Article 29 :	The exercise of the above rights and freedoms shall be limited for the purpose of securing recognition and respect for the rights and freedoms of others and for meeting the requirements of morality, public order and general welfare.
Article 30 :	No state, group or person has any right to engage in any activity aimed at the destruction of the above rights and freedoms.

International Bill of Human Rights

Later on, the Universal Declaration of Human Rights was bifurcated into two separate covenants, namely, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The human rights and freedoms contained in the Universal Declaration have been further developed and elaborated upon in these two covenants. Both the covenants were adopted by the UN General Assembly in 1966 and came into force in 1976.

In addition to the above two detailed covenants, two Optional Protocols to the International Covenant on Civil and Political Rights were also adopted by the UN General Assembly. The First Optional Protocol was adopted in 1966 itself while the Second Optional Protocol was adopted in 1989. The First Optional Protocol provides for the submission of complaints by individuals whose human rights have been violated by a State party. The Second Optional Protocol, on the other hand, advocates the abolition of the death penalty.

The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and its two Optional Protocols, and the International Covenant on Economic, Social and

Cultural Rights constitute what is now widely regarded as the “International Bill of Human Rights”.

Other International Conventions

The International Bill of Human Rights has been further supplemented by various other international treaties, conventions and declarations. They are usually regarded as “human rights instruments”. They are specialised in nature and related to either a particular human right or to a specific vulnerable group. The important among them are as follows:

1. Convention on the Elimination of All Forms of Racial Discrimination (1966)
2. Convention on the Elimination of All Forms of Discrimination Against Women (1979)
3. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
4. Declaration on the Right to Development (1986)
5. Convention on the Rights of the Child (1989)
6. Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)
7. Convention on the Rights of Persons with Disabilities (2006)

Human Rights in India

The Constitution of India has a rich content of human rights. The Preamble, the Fundamental Rights and the Directive Principles of State Policy reflect the principles and provisions of the Universal Declaration of Human Rights (1948).

The four ideals of the Preamble are aimed at the promotion of human rights. They are as under:

1. Justice in social, economic and political spheres
2. Liberty of thought, expression, belief, faith and worship
3. Equality of status and opportunity
4. Fraternity assuring the dignity of the individual

The Fundamental Rights under Part-III of the Constitution contain an elaborate list of civil and political rights divided into six categories:

1. Right to equality
2. Right to freedom
3. Right against exploitation
4. Right to freedom of religion
5. Cultural and educational rights
6. Right to constitutional remedies

The Directive Principles of State Policy in Part-IV of the Constitution comprise economic, social and cultural rights. They can be classified into three broad categories, *viz.*,

1. Socialistic Principles
2. Gandhian Principles

3. Liberal-Intellectual Principles

Besides the Fundamental Rights included in Part-III, there are certain other rights contained in other parts of the Constitution—for example, the right to property in Part-XII of the Constitution.

In the course of time, the Supreme Court has also expanded the scope of human rights contained in the Fundamental Rights. It declared a number of human rights as integral part of fundamental rights, though they have not been specifically mentioned in Part-III of the Constitution. The examples of such un-enumerated fundamental rights are right to health, right to speedy trial, right against torture, right to privacy, right to travel abroad, right to free legal aid, and so on.

In addition to these, the various laws enacted by the Parliament and the State Legislatures contain a number of human rights, particularly for the vulnerable sections of the society. Some such laws are the Bonded Labour System (Abolition) Act, the Protection of Civil Rights Act, the Persons with Disabilities Act, the Minimum Wages Act, and so on.

Finally, the Protection of Human Rights Act (1993) defines human rights in India as the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India. Further, it also defined the International Covenants as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the United Nations on 16th December, 1996 and such other Covenant or Convention adopted by the General Assembly of the United Nations as the Central Government may, by notifications, specify. The Indian Government acceded to these two International Covenants on April 10, 1979.

The Constitution of India and the laws of Parliament as well as state legislatures not only consist of several human rights but also provide for the establishment of national and state commissions for the protection and promotion of those rights. They are mentioned below in [Tables 1.1](#) and [1.2](#).

Table 1.1 National Commissions Related to Human Rights

<i>Sl.No.</i>	<i>Name of the Commission</i>	<i>Established Under</i>
1.	National Commission for SCs	Constitution (Article 338)
2.	National Commission for STs	Constitution (Article 338-A)
3.	Special Officer for Linguistic Minorities	Constitution (Article 350-B)
4.	National Human Rights Commission	The Protection of Human Rights Act, 1993
5.	National Commission for Protection of Child Rights	The Commissions for Protection of Child Rights Act, 2005
6.	National Commission for Women	The National Commission for Women Act, 1990
7.	National Commission for Minorities	The National Commission for Minorities Act, 1992
8.	National Commission for Backward Classes	The National Commission for Backward Classes Act, 1993
9.	Central Commissioner for Disabled Persons	The Persons with Disabilities Act, 1995

Table 1.2 State Commissions Related to Human Rights

<i>Sl.No.</i>	<i>Name of the Commission</i>	<i>Established Under</i>
1.	State Human Rights Commission	The Protection of Human Rights Act, 1993
2.	State Commission for Protection of Child Rights	The Commissions for Protection of Child Rights Act, 2005
3.	State Commissioner for Disabled Persons	The Persons with Disabilities Act, 1995
4.	State Commission for SCs and STs	Act of the State Legislature or Executive Resolution of the State Government
5.	State Commission for Women	Act of the State Legislature or Executive Resolution of the State Government
6.	State Commission for Minorities	Act of the State Legislature or Executive Resolution of the State Government
7.	State Commission for Backward Classes	Act of the State Legislature or Executive Resolution of the State Government

RIGHTS OF WOMEN

The rights available to woman can be classified into two categories, namely, constitutional rights and legal rights. The constitutional rights are those which are provided in the various provisions of the constitution. The legal rights, on the other hand, are those which are provided in the various laws (acts) of the Parliament and the State Legislatures.

Constitutional Rights

The rights and safeguards enshrined in the constitution for women are as follows:

1. The state shall not discriminate against any citizen on the ground of sex (Article 15(1))
2. The state is empowered to make any special provision for women. In other words, this provision enables the state to make affirmative discrimination in favour of women (Article 15(3))
3. No citizen shall be discriminated against or be ineligible for any employment or office under the state on the ground of sex (Article 16(2))
4. Traffic in human beings and forced labour are prohibited (Article 23(1))
5. The state to secure for men and women equally the right to an adequate means of livelihood (Article 39(a))
6. The state to secure equal pay for equal work for both men and women (Article 39(d))
7. The state is required to ensure that the health and strength of women workers are not abused and that they are not forced by economic necessity to enter avocations unsuited to their strength (Article 39(e))
8. The state shall make provision for securing just and humane conditions of work and maternity relief (Article 42)
9. It shall be the duty of every citizen of India to renounce practices derogatory to the dignity of

women (Article 51-A(e))

10. One-third of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women (Article 243-D(3)).
11. One-third of the total number of offices of chairpersons in the *Panchayats* at each level shall be reserved for women (Article 243-D(4)).
12. One-third of the total number of seats to be filled by direct election in every Municipality shall be reserved for women (Article 243-T(3)).
13. The offices of chairpersons in the Municipalities shall be reserved for women in such manner as the State Legislature may provide (Article 243-T(4)).

Legal Rights

The following various legislations contain several rights and safeguards for women:

1. Protection of Women from Domestic Violence Act (2005) is a comprehensive legislation to protect women from all forms of domestic violence. It also covers women who have been/are in a relationship with the abuser and are subjected to violence of any kind—physical, sexual, mental, verbal or emotional.
2. Immoral Traffic (Prevention) Act (1956) is the premier legislation for prevention of trafficking for commercial sexual exploitation. In other words, it prevents trafficking in women and girls for the purpose of prostitution as an organised means of living.
3. Indecent Representation of Women (Prohibition) Act (1986) prohibits indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner.
4. Commission of *Sati* (Prevention) Act (1987) provides for the more effective prevention of the commission of *sati* and its glorification.
5. Dowry Prohibition Act (1961) prohibits the giving or taking of dowry at or before or any time after the marriage.
6. Maternity Benefit Act (1961) regulates the employment of women in certain establishments for certain period before and after child-birth and provides for maternity benefit and certain other benefits.
7. Medical Termination of Pregnancy Act (1971) provides for the termination of certain pregnancies by registered medical practitioners on humanitarian and medical grounds.
8. Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (1994) prohibits sex selection before or after conception and prevents the misuse of pre-natal diagnostic techniques for sex determination leading to female foeticide.
9. Equal Remuneration Act (1976) provides for payment of equal remuneration to both men and women workers for same work or work of a similar nature. It also prevents discrimination on the ground of sex, against women in recruitment and service conditions.
10. Dissolution of Muslim Marriages Act (1939) grants a Muslim wife the right to seek the dissolution of her marriage.
11. Muslim Women (Protection of Rights on Divorce) Act (1986) protects the rights of Muslim women who have been divorced by, or have obtained divorce from, their husbands.

12. Family Courts Act (1984) provides for the establishment of Family Courts for speedy settlement of family disputes.
13. Indian Penal Code (1860) contains provisions to protect women from dowry death, rape, kidnapping, cruelty and other offences.
14. Code of Criminal Procedure (1973) has certain safeguards for women like obligation of a person to maintain his wife, arrest of woman by female police and so on.
15. Indian Christian Marriage Act (1872) contain provisions relating to marriage and divorce among the Christian community.
16. Legal Services Authorities Act (1987) provides for free legal services to women.
17. Hindu Marriage Act (1955) introduced monogamy and allowed divorce on certain specified grounds. It provided equal rights to man and woman in respect of marriage and divorce.
18. Hindu Succession Act (1956) recognises the right of women to inherit parental property equally with men.
19. Minimum Wages Act (1948) does not allow discrimination between male and female workers or different minimum wages for them.
20. Mines Act (1952) and Factories Act (1948) prohibits the employment of women between 7 P.M. and 6 A.M. in mines and factories and provides for their safety and welfare.
21. The following other legislations also contain certain rights and safeguards for women:
 - (i) Employees' State Insurance Act (1948)
 - (ii) Plantation Labour Act (1951)
 - (iii) Bonded Labour System (Abolition) Act (1976)
 - (iv) Legal Practitioners (Women) Act (1923)
 - (v) Indian Succession Act (1925)
 - (vi) Indian Divorce Act (1869)
 - (vii) Parsi Marriage and Divorce Act (1936)
 - (viii) Special Marriage Act (1954)
 - (ix) Foreign Marriage Act (1969)
 - (x) Indian Evidence Act (1872)
 - (xi) Hindu Adoptions and Maintenance Act (1956)
22. National Commission for Women Act (1990) provided for the establishment of a National Commission for Women to study and monitor all matters relating to the constitutional and legal rights and safeguards of women.
23. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal). Act (2013) provides protection to women from sexual harassment at all workplaces both in public and private sector, whether organised or unorganised.

RIGHTS OF CHILDREN

Constitutional Rights

The constitutional rights and safeguards provided to children are mentioned below.

1. The state is empowered to make any special provision for children. In other words, this

- provision enables the state to make affirmative discrimination in favour of children (Article 15(3)).
2. The state shall provide free and compulsory education to all children of the age of six to fourteen years (Article 21-A).
 3. Traffic in human beings, and forced labour are prohibited (Article 23(1)).
 4. No child below the age of fourteen years shall be employed in any factory, mine or any other hazardous occupation (Article 24).
 5. The state is required to ensure that children of tender age are not abused and that they are not forced by economic necessity to enter vocations unsuited to their age (Article 39(e)).
 6. The state is required to ensure that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and moral as well as material abandonment (Article 39(f)).
 7. The state shall endeavour to provide early childhood care and education for all children until they complete the age of six years (Article 45).
 8. It shall be the duty of every parent or guardian to provide opportunities for education to his child or ward between the age of six and fourteen years (Article 51-A(k)).

Legal Rights

The various legislations which contain several rights and safeguards for children are as follows:

1. Right of Children to Free and Compulsory Education Act (2009) provides for every child of the age of six to fourteen years, the right to free and compulsory education in a neighbourhood school till the completion of elementary education.
2. Prohibition of Child Marriage Act (2006) was enacted repealing the Child Marriage Restraint Act (1929) in order to prohibit child marriages rather than only restraining them. It makes child marriages voidable by giving choice to the children in the marriage to seek annulment.
3. Juvenile Justice (Care and Protection of Children) Act (2000) aims at providing a juvenile justice system for juveniles in conflict with law as well as children in need of care and protection. It adopts a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation.
4. Child Labour (Prohibition and Regulation) Act (1986) prohibits employment of children below 14 years in notified hazardous occupations and processes. It also regulates the working conditions of children in other employments. Further, it obtains uniformity in the definition of “child” in the related laws. It has repealed the Employment of Children Act (1938).
5. Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act (1992) provides for the regulation of production, supply and distribution of infant milk substitutes, feeding bottles and infant foods with a view to the protection and promotion of breast-feeding and ensuring the proper use of infant foods.
6. Guardians and Wards Act (1890) provides that the court must take into consideration the welfare of the child while appointing a guardian.
7. Young Persons (Harmful Publications) Act (1956) prevents the dissemination of certain publications harmful to young persons. Harmful publication is that which tend to corrupt a

- young person to commit offences or acts of violence or cruelty.
8. Children (Pledging of Labour) Act (1933) prohibits the parent or guardian from pledging the services of a child in return for any payment or benefit.
 9. Children Act (1960) provides for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected or delinquent children and for the trial of delinquent children in the Union Territories.
 10. Hindu Minority and Guardianship Act (1956) codified the law relating to minority and guardianship among the Hindus. It says that the welfare of the minor shall be the paramount consideration for a court in the appointment of any person as guardian of a Hindu minor.
 11. Immoral Traffic (Prevention) Act (1956) is the premier legislation for prevention of trafficking for commercial sexual exploitation. In other words, it prevents trafficking in women and girls for the purpose of prostitution as an organised means of living.
 12. Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (1994) prohibits sex selection before or after conception and prevents the misuse of pre-natal diagnostic techniques for sex determination leading to female foeticide.
 13. Legal Services Authorities Act (1987) provides for free legal services to children.
 14. The following legislations prohibit the employment of children in the related occupations and processes:
 - (i) Factories Act (1948)
 - (ii) Plantation Labour Act (1951)
 - (iii) Merchant Shipping Act (1951)
 - (iv) Mines Act (1952)
 - (v) Motor Transport Workers Act (1961)
 - (vi) Apprentices Act (1961)
 - (vii) *Beedi* and Cigar Workers (Conditions of Employment) Act (1966)
 15. The following other legislations also contain certain rights and safeguards for children:
 - (i) Code of Criminal Procedure (1973)
 - (ii) Indian Penal Code (1860)
 - (iii) Indian Divorce Act (1869)
 - (iv) Family Courts Act (1984)
 - (v) Hindu Adoptions and Maintenance Act (1956)
 - (vi) Hindu Marriage Act (1955)
 - (vii) Indian Succession Act (1925)
 - (viii) Muslim Women (Protection of Rights on Divorce) Act (1986)
 - (ix) Parsi Marriage and Divorce Act (1936)
 - (x) Probation of Offenders Act (1958)
 - (xi) Protection of Women from Domestic Violence Act (2005)
 - (xii) Special Marriage Act (1954)
 - (xiii) Employees' State Insurance Act (1948)
 - (xiv) Orphanages and other Charitable Homes (Supervision and Control) Act (1960)

- (xv) Bonded Labour System (Abolition) Act (1976)
 - (xvi) Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act (1995)
16. Commissions for Protection of Child Rights Act (2005) provides for the establishment of a National Commission for Protection of Child Rights, State Commissions for Protection of Child Rights and Children's Courts for the purpose of providing speedy trial of cases of violation of child rights.
 17. Protection of Children from Sexual Offences (POCSO) Act (2012) provides protection to children from the offences of sexual assault, sexual harassment and pornography. It also provides for establishment of special courts for trial of such offences.

RIGHTS OF SCs AND STs

Constitutional Rights

The Constitution contains various provisions which provide for several rights and safeguards for the scheduled castes (SCs) and the scheduled tribes (STs). While most of these provisions are common to both SCs and STs, some are exclusively meant for either of these two.

The constitutional rights and safeguards of SCs and STs can be classified into the following categories:

1. Social Rights and Safeguards
2. Educational/Economic Rights and Safeguards
3. Service Rights and Safeguards
4. Political Rights and Safeguards
5. Administrative Rights and Safeguards

1. Social Rights and Safeguards

1. Untouchability is abolished and its practice in any form is forbidden (Article 17).
2. Traffic in human beings and forced labour are prohibited (Article 23).
3. The State is empowered to throw open Hindu religious institutions of public character to all classes and sections of Hindus (Article 25(2)(b)).
4. The right to move freely throughout the territory of India and the right to reside and settle in any part of the territory of India can be restricted on the ground of the protection of interests of the STs (Article 19(5)).

2. Educational/Economic Rights and Safeguards

1. The State shall promote with special care the educational and economic interests of the SCs and STs and shall protect them from social injustice and all forms of exploitation (Article 46).
2. The State is empowered to make any special provision for the advancement of the SCs and

STs (Article 15(4)).

3. The State is empowered to make any special provision for the SCs and STs regarding their admission to educational institutions including private educational institutions (whether aided or unaided by the State), except the minority educational institutions (Article 15(5)).

3. Service Rights and Safeguards

1. The State is empowered to provide for reservation in promotions (with consequential seniority) to any services under the State in favour of the SCs and STs (Article 16(4-A)).
2. The claims of the SCs and STs shall be taken into consideration (consistently with the maintenance of efficiency of administration) in making appointments to the public services of the Centre and the states (Article 335).
3. While taking into consideration the claims of SCs and STs in making appointments to the public services of the Centre and the states, the consultation with the respective Public Service Commission (UPSC or SPSC) shall not be required (Article 320(4)).

4. Political Rights and Safeguards

1. Seats shall be reserved for the SCs and STs in the Lok Sabha (Article 330).
2. Seats shall be reserved for the SCs and STs in the State Legislative Assemblies (Article 332).
3. The reservation of seats for the SCs and STs in the Lok Sabha and State Legislative Assemblies shall cease after seventy years from the commencement of the Constitution (Article 334). The 95th Constitutional Amendment Act of 2009 has extended this reservation for a further period of ten years (i.e., upto 2020).
4. Seats shall be reserved for the SCs and STs in every Panchayat (i.e., at all the three levels) (Article 243-D(1)).
5. The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the SCs and STs (Article 243-D(4)).
6. The reservation of seats and offices of Chairpersons for the SCs and STs in the Panchayats shall cease after seventy years from the commencement of the Constitution (Article 243-D(5)).
7. Seats shall be reserved for the SCs and STs in every Municipality (Article 243-T(1)).
8. The offices of Chairpersons in the Municipalities shall be reserved for the SCs and STs (Article 243-T(4)).
9. The reservation of seats and offices of Chairpersons for the SCs and STs in the Municipalities shall cease after seventy years from the commencement of the Constitution (Article 243-T(5)).

5. Administrative Rights and Safeguards

1. The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any state other than the states of Assam, Meghalaya, Tripura and Mizoram (Article 244(1)).
2. The provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the

states of Assam, Meghalaya, Tripura and Mizoram (Article 244(2)).

3. The president is required to appoint a commission to report on the administration of the scheduled areas and the welfare of the STs in the states. He can appoint such a commission at any time but compulsorily after ten years of the commencement of the Constitution (Article 339(1)).
4. The executive power of the Centre extends to the giving of directions to a state with respect to the drawing up and execution of schemes for the welfare of the STs in the state (Article 339(2)).
5. The Centre should pay grants-in-aid to the states for meeting the costs of schemes of welfare of the STs and for raising the level of administration in the scheduled areas (Article 275(1)).
6. A minister in charge of tribal welfare should be appointed in the states of Chhattisgarh, Jharkhand, Madhya Pradesh and Odisha. He may also be put additionally in charge of the welfare of the SCs (Article 164(1)).
7. The President should set up a National Commission for the SCs to investigate and monitor all matters relating to the constitutional and legal rights and safeguards for the SCs and to report to him (Article 338).
8. The President should set up a National Commission for the STs to investigate and monitor all matters relating to the constitutional and legal rights and safeguards for the STs and to report to him (Article 338-A).

Legal Rights

The legislations which contain the rights and safeguards for the SCs and STs are as follows:

1. Protection of Civil Rights Act (1955) prescribes punishment for the preaching and practice of “untouchability” and for the enforcement of any disability arising therefrom. It provides penalties for preventing a person, on the ground of untouchability, from enjoying civil rights i.e., rights accruing to a person on account of the abolition of untouchability.
2. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (1989) prevents the commission of offences of atrocities against the SCs and STs by persons other than the SCs and STs. It also provides for the establishment of special courts for speedy trial of such offences. Further, it makes provision for the relief and rehabilitation of the victims of such offences.
3. Bonded Labour System (Abolition) Act (1976) freed unilaterally all the bonded labourers from bondage with simultaneous liquidation of their debts. It provides for the identification and release of bonded labourers and rehabilitation of freed bonded labourers.
4. Minimum Wages Act (1948) provides for fixation, review, revision and enforcement of minimum wage in respect of notified employments.
5. Legal Services Authorities Act (1987) provides for free legal services to the SCs and STs.
6. Prohibition of Employment as Manual Scavengers and their Rehabilitation Act (2013) seeks to prohibit employment of individuals as manual scavengers by prescribing stringent punishment, including imprisonment upto five years. It also has provisions for rehabilitation of manual scavengers and their families. This new law overrides the old Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act (1993). This means

that the 1993 Act would become practically infructuous.

7. Central Educational Institutions (Reservation in Admission) Act (2006) provides for reservation of 15% for the students belonging to the SCs and 7.5% for STs in central educational institutions (other than those exempted under the Act).
8. Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (2006) seeks to recognise and vest the forest rights and occupation in forest land in forest dwelling STs and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded.
9. Provisions of the Panchayats (Extension to Scheduled Areas) Act (1996) (PESA) is aimed at the preservation of the customs, practices and resources of the STs. It provides for reservation to the STs in the Panchayats.
10. The following other legislations contain certain rights and safeguards for the STs:
 - (i) Indian Forest Act (1927)
 - (ii) Forest (Conservation) Act (1980)
 - (iii) State Acts relating to the prevention of alienation and restoration of land belonging to the STs. In some states, such provisions exist in the Land Revenue Code.
 - (iv) State Acts regulating money-lending to the STs.

RIGHTS OF BACKWARD CLASSES

Constitutional Rights

The rights and safeguards embodied in the constitution for the backward classes (BCs) are mentioned below:

1. The State is permitted to make any special provision for the advancement of any socially and educationally backward classes of citizens (Article 15(4)).
2. The State is empowered to make any special provision for any socially and educationally backward classes of citizens regarding their admission to educational institutions including private educational institutions (whether aided or unaided by the state), except minority educational institutions (Article 15(5)).
3. The State can provide for the reservation of appointments or posts in favour of any backward class which is not adequately represented in the state services (Article 16(4)).
4. The State is directed to promote with special care the educational and economic interests of the weaker sections of the people and protect them from social injustice and all forms of exploitation (Article 46).
5. The tribal welfare minister appointed in Chhattisgarh, Jharkhand, Madhya Pradesh and Odisha may also be put additionally in charge of the welfare of the BCs (Article 164(1)).
6. The President may appoint a commission to investigate the conditions of socially and educationally backward classes and to recommend the steps to improve their condition. The report of the commission is to be placed before the Parliament, along with action taken memorandum (Article 340).

7. The National Commission for Scheduled Castes is also required to discharge similar functions with regard to the BCs as it does with respect to the SCs. In other words, the commission has to investigate all matters relating to the constitutional and other legal safeguards for the BCs and report to the President upon their working (Article 338(10)).

Legal Rights

The following legislations contain the rights and safeguards for the BCs:

1. Central Educational Institutions (Reservation in Admission) Act (2006) provides for reservation of 27% for the students belonging to the BCs (excluding creamy layer) in central educational institutions (other than those exempted under the Act).
2. National Commission for Backward Classes Act (1993) provided for the establishment of a National Commission for Backward Classes. The Commission examines requests for inclusion of any class of citizens in the list of BCs for the purpose of reservation. It also hears complaints of over-inclusion or under-inclusion of any BC in the list.

RIGHTS OF MINORITIES

Constitutional Rights

The Constitution refers to two types of minorities, namely, religious minorities and linguistic minorities. However, the term 'minority' has not been defined anywhere in the Constitution.

In 1993, the Central Government notified five communities, viz., Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) as religious minorities at the national level. In January 2014, the Jain community was added to this list.

A linguistic minority is a group of people whose mother tongue is different from that of the majority in the state or part of a state. This means that linguistic minorities are determined on a state-wise basis.

The Constitution contains special provisions to safeguard the social, educational and economic interests of the minorities. Some of these are common to both religious minorities and linguistic minorities while some others are meant exclusively for linguistic minorities. Hence, these provisions are mentioned here under two headings.

Religious and Linguistic Minorities

1. Any section of citizens having a distinct language, script or culture of its own has the right to conserve the same (Article 29(1)).
2. No citizen is to be denied admission into any educational institution maintained by the state or aided by the state on grounds of religion, race, caste or language (Article 29(2)).
3. All minorities, whether based on religion or language, have the right to establish and administer educational institutions of their choice (Article 30(1)).
4. The compensation amount fixed by the state for the compulsory acquisition of any property of

a minority educational institution should not restrict or abrogate the right guaranteed to the minorities, whether based on religion or language (Article 30(1-A)).

5. In granting aid to educational institutions, the state should not discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language (Article 30(2)).
6. The wearing and carrying of *kirpans* shall be deemed to be included in the profession of the Sikh religion. In other words, Sikhs have the right to wear and carry *kirpans* (Article 25(2)).

Linguistic Minorities

1. When the President (on a demand being made) is satisfied that a substantial proportion of the population of a state desire the use of any language spoken by them to be recognised by that state, then he may direct that such language should also be officially recognised in that state (Article 347).
2. Every aggrieved person has the right to submit a representation for the redress of any grievance to any officer or authority of the Union or a state in any of the languages used in the Union or in the state, as the case may be. This means that a representation cannot be rejected on the ground that it is not in the official language (Article 350).
3. Every state and a local authority in the state should provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups. The President can issue necessary directions for this purpose (Article 350-A).
4. The President should appoint a special officer for linguistic minorities to investigate all matters relating to the constitutional safeguards for linguistic minorities and to report to him. The President should place all such reports before the Parliament and send to the state governments concerned (Article 350-B).

Legal Rights

The following legislations contain several rights and safeguards for the minorities:

1. National Commission for Minority Educational Institutions Act (2004) provides additional safeguards to the minority educational institutions. It contains provisions for the following:
 - (i) Establishment of a National Commission for Minority Educational Institutions
 - (ii) Right to establish a minority educational institution
 - (iii) Right of a minority educational institution to seek affiliation to any university of its choice
2. Waqf Act, 1995 (erstwhile Waqf Act, 1954) was enacted to safeguard the existence of a large number of Waqf properties in the country. The Act provided for the establishment of a Central Waqf Council for the purpose of advising the Government of India on matters pertaining to working of the State Waqf Boards and proper administration of the Waqfs in the country. A Waqf is a permanent dedication of movable or immovable properties for purposes recognised by the Muslim Law as religious, pious or charitable. Apart from these religious aspects, the Waqfs are also instruments of social and economic upliftment.
3. The National Commission for Minorities Act (1992) accorded statutory status to the

Minorities Commission set up in 1978. The Commission monitors the working of the safeguards provided to the minorities in the constitution and laws. It also looks into specific complaints regarding deprivation of rights and safeguards of the minorities.

Consensual Safeguards

In addition to the above constitutional safeguards, the linguistic minorities are also provided with some consensual safeguards. These have been arrived at by consensus by the Central and the state governments through series of meetings. They are as follows:

1. Instruction through minority languages at the secondary stage of education
2. Translation and publication of important rules, regulations, notices, etc., into all languages, which are spoken by at least 15% of the total population at district or sub-district level
3. No insistence upon knowledge of State's Official Language at the time of recruitment; test of proficiency in the State's Official Language to be held before completion of probation

The constitutional and the consensual safeguards together with practical ways to implement them has led to the combined scheme of safeguards. The salient features of the scheme, as at present, are:

1. Translation and publication of important rules, regulations, notices, etc., into all languages, which are spoken by at least 15% of the total population at district or sub-district level
2. Declaration of minority languages as second official language in districts where persons speaking such languages constitute at least 60% of the population
3. Receipt of, and reply to, representations in minority languages
4. Instruction through mother tongues/minority languages at the primary stage of education
5. Instruction through minority languages at the secondary stage of education
6. Advance registration of linguistic preference of linguistic minority pupils, and inter-school adjustments
7. Provision for text books and teachers in minority languages
8. Implementation of three-language formula
9. No insistence upon knowledge of State's official language at the time of recruitment; test of proficiency in the State's Official Language to be held before completion of probation
10. Issue of pamphlets in minority languages detailing safeguards available to linguistic minorities
11. Setting up of proper machinery at the state and district levels

RIGHTS OF DISABLED PERSONS

Constitutional Rights

The mandate of the Constitution is to ensure equality, freedom, justice and dignity of all individuals, which implies an inclusive society for all, especially the disadvantaged.

Article 41 is particularly relevant with regard to disabled persons. It states that the state shall,

within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement.

The subject of “relief of the disabled and unemployable” is specified in List II (State List) of the Seventh Schedule of the Constitution.

In pursuance of the above provisions of the Constitution, several legislations have been enacted by the Government. These legislations are specifically directed towards the protection, welfare, rehabilitation, empowerment and development of disabled persons.

Legal Rights

The following legislations contain several rights and safeguards for the disabled persons:

1. Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act (1995) is the premier legislation concerning disability issues in the country. It ensures equal opportunities for disabled persons, protection of their rights and their full participation in the nation-building. It contains the following four categories of provisions:
 - (i) Prevention and early detection of disabilities
 - (ii) Education, employment, affirmative action, non-discrimination and social security for disabled persons
 - (iii) Establishment of Co-ordination Committees and Executive Committees at the central and state levels to deal with policy matters relating to disabled persons
 - (iv) Appointment of a Chief Commissioner for Persons with Disabilities (CCPD) at the Central level and Commissioners for Persons with Disabilities at the state level to look into complaints of deprivation of rights of disabled persons
2. National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act (1999) provides for the establishment of a National Trust for welfare of persons with autism, cerebral palsy, mental retardation and multiple disabilities. The objectives of the trust are to ensure disabled persons to lead independent life with dignity, to support NGOs and other service providers, and to appoint legal guardians to take care the needs of disabled persons.
3. Rehabilitation Council of India Act (1992) provided for the setting up of the Rehabilitation Council of India. This council regulates and monitors the training of rehabilitation professionals and promotes research in rehabilitation and special education.
4. Mental Health Act (1987) deals with the treatment and care of mentally ill-persons. It regulates admission of mentally ill-persons to psychiatric hospitals and protects the rights of such persons while being detained.
5. Legal Services Authorities Act (1987) provides for free legal services to disabled persons.

RIGHTS OF OLDER PERSONS

Constitutional Rights

The mandate of the Constitution is to ensure equality, freedom, justice and dignity of all individuals

including older persons (or senior citizens).

Article 41 of Part IV (Directive Principles of State Policy) is particularly relevant with regard to older persons. It states that the state shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

Legal Rights

The Maintenance and Welfare of Parents and Senior Citizens Act (2007) was enacted to ensure need-based maintenance for parents and senior citizens and their welfare. The Act provides for

1. Maintenance of parents and senior citizens by children/relatives, which is made obligatory and justiciable through Tribunals
2. Revocation of transfer of property by senior citizens in case of negligence by relatives
3. Penal provision for abandonment of senior citizens
4. Establishment of old age homes for indigent senior citizens
5. Adequate medical facilities for senior citizens
6. Protection of life and property of senior citizens

The states/UTs which have notified the Act are required to take the following measures/steps for effective implementation of the Act:

1. Frame Rules under the Act
2. Appoint Maintenance Officer
3. Constitute Maintenance Tribunal
4. Constitute Appellate Tribunal

RIGHTS OF VICTIMS OF DRUG ABUSE

Constitutional Rights

The mandate of the Constitution is to ensure equality, freedom, justice and dignity of all individuals including the victims of drug abuse.

Article 47 of Part IV (Directive Principles of State Policy) is particularly relevant with regard to the victims of drug abuse. It provides that the State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of consumption, except for medicinal purposes, of intoxicating drinks and of drugs which are injurious to health.

Legal Rights

The Narcotic Drugs and Psychotropic Substances Act (NDPS), 1985, was enacted, *inter alia*, to curb drug abuse. The Act provides that the Government may establish centres for identification, treatment, education, after-care, rehabilitation, social reintegration of drug addicts. Further, the

Government may also supply any narcotic drugs and psychotropic substances to drug addicts where such supply is a medical necessity.

The objectives of the *NDPS Act*, 1985, are:

1. To consolidate and amend the law relating to narcotic drugs
2. To make stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances
3. To provide for the forfeiture of property derived from, or used in, illicit traffic in narcotic drugs and psychotropic substances
4. To implement the provisions of the International Convention on Narcotic Drugs and Psychotropic Substances

RIGHTS OF CONSUMERS

Consumer Protection Act (1986)

The Consumer Protection Act was enacted in 1986 with the objective of providing better protection of consumers' interests. The Act provides for effective safeguards to consumers against various types of exploitation and unfair dealings.

The Act lays down the rights of the consumers and also provides for the promotion and protection of the rights of the consumers. It creates an alternative disputes resolution mechanism exclusively for consumers.

The salient features of the Act are as follows:

1. The Act enshrines six rights of consumers, namely, right to safety, right to be informed, right to choose, right to be heard, right to seek redressal, and right to consumer education.
2. The provisions of the Act are in addition to and not in derogation of the provisions of any other law for the time being in force.
3. It is an umbrella legislation covering all goods and services, but excluding transactions not involving consumers from the purview of the Act.
4. Goods are those which are manufactured or produced and sold to consumers through wholesalers and retailers. Services are in the nature of transport, telephone, electricity, housing, banking, insurance, medical treatment, etc.
5. The Act applies to private, public and cooperative sectors.
6. A consumer can seek redressal against any manufacturer and trader of goods/service provider, so long as the goods purchased or service availed of was for a consideration.
7. The Act provides for simple, inexpensive and timely redressal of consumer complaints.
8. The provisions of the Act are not only compensatory in nature but also preventive and punitive in character.
9. The Act provides for establishing a three-tier consumer dispute redressal machinery at the national, state and district levels commonly known as National Commission, State Commission and District Forum respectively.
10. A written complaint can be filed before the District Consumer Forum for pecuniary value of

upto twenty lakh rupees, State Commission for value upto one crore rupees and the National Commission for value above one crore rupees, in respect of defects in goods and or deficiency in service. The service can be of any description and the illustrations given above are only indicative. However, no complaint can be filed for alleged deficiency in any service that is rendered free of charge or under a contract of personal service.

11. If a consumer is not satisfied with the decision of a District Forum, he can appeal to the State Commission. Against the order of the State Commission, a consumer can approach the National Commission.
12. The remedy under the Act is an alternative in addition to that already available to the aggrieved persons/consumers by way of civil suit. In the complaint/appeal/petition submitted under the Act, a consumer is not required to pay any court fees; only a nominal fee is required.
13. The Act also provides for setting up of Consumer Protection Councils at the Central, State and District levels, which are advisory bodies to promote and protect the rights of the consumers.

Rights Under the Act

The rights of consumers provided under the Act are explained below :

1. **Right to Safety:** It is the right to be protected against the marketing of goods and services which are hazardous to life and property.
2. **Right to Information:** It is the right of consumers to be informed about the quality, quantity, potency, purity, standard and price of goods or services, with a view to protecting the consumer against unfair trade practices.
3. **Right to Choose:** The right to choose can be made meaningful by ensuring access to a variety of goods and services at competitive prices.
4. **Right to Represent:** It is right to be heard and to be assured that consumer's interests will receive due consideration at appropriate forums.
5. **Right to Redressal:** It is a right to seek redressal against unfair trade practices or restrictive trade practices or unscrupulous exploitation of consumers.
6. **Right to Education:** The right to consumer education is a right which ensures that consumers are informed about the practices prevalent in the market and the remedies available to them.

RIGHT TO INFORMATION

Rationale

Right to Information means the freedom of people to have access to government information. It implies that the citizens and non-governmental organisations should enjoy a reasonably free access to all files and documents pertaining to government operations, decisions, and performance. In other words, it means openness and transparency in the functioning of government. Thus, it is antithetical to secrecy in public administration.

In 1992, the World Bank released a document entitled 'Governance and Development'. The document has mentioned seven aspects or elements of governance—one of them being transparency

and information.

The Right to Information is necessary due to the following reasons:

1. It makes administration more accountable to people.
2. It reduces the gap between administration and people.
3. It makes people aware of administrative decision-making.
4. It facilitates better delivery of goods and services to people by civil servants.
5. It facilitates intelligent and constructive criticism of administration.
6. It increases people's participation in administration.
7. It promotes public interest by discouraging arbitrariness in administrative decision-making.
8. It reduces the scope for corruption in public administration.
9. It upholds the democratic ideology by promoting openness and transparency in administration.
10. It makes administration more responsive to the requirements of people.
11. It reduces the chances of abuse of authority by the public servants.

Right to Information Act (2005)

The Constitution of India has no direct provision expressly conferring right to information to the citizens. However, the Supreme Court has been stating since 1975 that the right to information is an intrinsic part of the following two fundamental rights guaranteed by the Constitution of India:

- (i) Right to Freedom of Speech and Expression (Article 19).
- (ii) Right to Life and Personal Liberty (Article 21).

In India, various laws and rules restrict the disclosure of official information to the people and thus favour secrecy in administration. These are:

- (i) Official Secrets Act, 1923
- (ii) Indian Evidence Act, 1872
- (iii) Commission of Enquiry Act, 1952
- (iv) All-India Services (Conduct) Rules, 1954
- (v) Central Civil Services (Conduct) Rules, 1955
- (vi) Railway Services (Conduct) Rules, 1956

Recognising the need for setting out a practical regime for securing of information by citizens from the public authorities, and to promote transparency and accountability in the working of all public authorities, the Parliament enacted the Right to Information Act in 2005.

The law is comprehensive and covers disclosure of information on almost all matters of governance. It is applicable to Government at all levels—Central, State and Local (both rural and urban) and also to the bodies owned, controlled or substantially financed by the government, as well as to the non-governmental organisations receiving government grants. It covers the legislature, the judiciary, the executive and all constitutional bodies.

The salient features (or provisions) of the Act are mentioned below:

1. The Act confers on all citizens the right of access to the information and, correspondingly, makes the dissemination of such information an obligation on all public authorities.

2. It provides for the appointment of a public information officer in each department to provide information to the public on request.
3. It fixes a 30-day deadline for providing information; deadline is 48 hours if information concerns life or liberty of a person.
4. Information will be free for people below poverty line. For others, fee will be reasonable.
5. The Act imposes obligation on public agencies to disclose the information suo-motu to reduce requests for an information.
6. Government bodies have to publish details of staff payments and budgets.
7. Certain types of information are exempted from disclosure. These relate to sovereignty and integrity of India, security, scientific or economic interest of the country, cabinet deliberations and so on.
8. A public information officer may reject a request for information if it involves an infringement of copyright subsisting in a person other than the state.
9. Restrictions are made for third party information. The submission of third party is to be considered while taking a decision about disclosure of information.
10. It provides for the establishment of a Central Information Commission and State Information Commissions to implement the provisions of the Act. They will be high-powered independent bodies to act as appellate authorities and vested with the powers of a civil court.
11. The Central Information Commission entertains complaints and appeals in case of offices, financial institutions, public sector undertakings, etc., under the Central Government and the Union Territories while the State Information Commission entertains complaints and appeals pertaining to offices, financial institutions, public sector undertakings, etc., under the control of the concerned State Government.
12. The President will appoint a Chief Information Commissioner and Governors of states will appoint state information commissioners. Their term will be of five years.
13. The Chief Information Commissioner and State Information Commissioner will publish an annual report on the implementation of the Act. These reports will be tabled before Parliament and state legislature.
14. The Act overrides the Official Secrets Act, 1923. The information commissions can allow access to the information if public interest outweighs harm to protected persons.
15. It carries strict penalties for failing to provide information or affecting its flow. The erring officials will be subjected to departmental proceedings.
16. The information commission shall fine an official Rs. 250 per day (subject to a maximum of Rs. 25,000) if information is delayed without reasonable cause beyond the stipulated 30 days.
17. The Act provides for a system of two appeals in case the information is denied: first appeal to the senior of the concerned public information officer within 30 days and second appeal to the Information Commission within 90 days. The decision of the Information Commission is binding.
18. The appeals at both stages must be disposed of within 30 days which is extendable by 15 days if necessary. But, in any case the decision must be given within 45 days.
19. There is a bar on jurisdiction of courts. Hence, no court can entertain any suit, application or other proceeding in respect of any order made under the Act.

20. Its purview does not extend to intelligence and security organisations like Intelligence Bureau, RAW, BSF, CISF, NSG and so on. However, information pertaining to allegations of corruption or violation of human rights by these organisations will not be excluded.
21. The Act repealed the old Freedom of Information Act (2002) which was unnotified and hence, not operational.

State Information Acts

Even before the Central legislation was passed, some of the states had introduced their own right to information legislation. The first amongst these was Tamil Nadu. The states and the respective years of the enactment of legislations are mentioned below in [Table 1.3](#).

Table 1.3 Right to Information Acts in States

<i>Sl.No.</i>	<i>States</i>	<i>Year of Enactment</i>
1.	Tamil Nadu	1997
2.	Goa	1997
3.	Rajasthan	2000
4.	Karnataka	2000
5.	Delhi	2001
6.	Maharashtra*	2002
7.	Assam	2002
8.	Madhya Pradesh	2003
9.	Jammu & Kashmir	2004

* Maharashtra repealed its earlier Right to Information Act of 2000 to bring out an improved one in 2002.

In Rajasthan, the Right to Information movement was initiated by Aruna Roy in the early 1990s. The Mazdoor Kisan Shakti Sangathan (MKSS) succeeded through struggle and agitation, in accessing and using information to put an end to local corruption and exploitation.

RIGHT TO EDUCATION

Constitutional Provisions

Article 21-A declares that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such a manner as the State may determine. Thus, this provision makes only elementary education a Fundamental Right and not higher or professional education.

This provision was added by the 86th Constitutional Amendment Act of 2002. This amendment is a major milestone in the country's aim to achieve 'education for all'. The government described this step as 'the dawn of the second revolution in the chapter of rights of citizens'.

Even before this amendment, the Constitution contained a provision for free and compulsory education for children under Article 45 in Part IV. However, being a directive principle, it was not

enforceable by the courts. Now, there is scope for judicial intervention in this regard.

This amendment changed the subject matter of Article 45 in directive principles. It now reads —‘The state shall endeavour to provide early childhood care and education for all children until they complete the age of six years.’ It also added a new fundamental duty under Article 51-A that reads —‘It shall be the duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child or ward between the age of six and fourteen years’.

In 1993 itself, the Supreme Court recognised a Fundamental Right to primary education in the right to life under Article 21. It held that every child or citizen of this country has a right to free education until he completes the age of 14 years. Thereafter, his right to education is subject to the limits of economic capacity and development of the state. In this judgement, the Court overruled its earlier judgement (1992) which declared that there was a fundamental right to education up to any level including professional education like medicine and engineering.

Right to Education Act (2009)

The Right of Children to Free and Compulsory Education (RTE) Act, 2009 was enacted to implement the constitutional provision under Article 21-A. The Act provides for free and compulsory education to all children of the age of six to fourteen years. The Central Government affixed 1st April, 2010 as the date of enforcement of the Act.

The Act provides children in the 6-14 age group the legal entitlement to free and compulsory education. It provides the legislative framework for Universalisation of Elementary Education.

The salient features (or provisions) of the Act are mentioned below:

1. It provides for the right of children to free and compulsory education till completion of elementary education in a neighbourhood school
2. It clarifies that ‘compulsory education’ means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen age group. ‘Free’ means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.
3. It makes provisions for a non-admitted child to be admitted to an age appropriate class.
4. It specifies the duties and responsibilities of appropriate governments, local authorities, parents, schools and teachers in providing free and compulsory education.
5. It specifies the sharing of financial and other responsibilities between the Central and State Governments.
6. It lays down the norms and standards relating *inter alia* to Pupil Teacher Ratios (PTRs), buildings and infrastructure, school working days, teacher working hours.
7. It provides for rational deployment of teachers by ensuring that the specified pupil teacher ratio is maintained for each school, rather than just as an average for the State or District or Block, thus ensuring that there is no urban–rural imbalance in teacher postings.
8. It provides for prohibition of deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and Parliament, and disaster relief.
9. It provides for appointment of appropriately trained teachers, i.e., teachers with the requisite

- entry and academic qualifications.
10. It prohibits (i) physical punishment and mental harassment, (ii) screening procedures for admission of children, (iii) capitation fees, (iv) private tuition by teachers, and (v) running of schools without recognition.
 11. It provides for the following penalties:
 - (i) For charging capitation fee: Fine upto 10 times the capitation fee charged
 - (ii) For resorting to screening during admission: Rs. 25,000 for first contravention; Rs. 50,000 for each subsequent contravention
 - (iii) For running a school without recognition: Fine upto one lakh rupees, and in case of continuing contravention Rs.10,000 for each day during which the contravention continues
 12. It provides for the establishment of a School Management Committee in all schools other than unaided ones. It should consist of the elected representatives of the local authority, parents or guardians of children admitted in the school and teachers. It shall perform the following functions:
 - (i) monitor the working of the school
 - (ii) prepare and recommend school development plan
 - (iii) monitor the utilisation of the grants received from the government or local authority or any other source; and
 - (iv) any other prescribed function
 13. It provides for development of a curriculum in consonance with the values enshrined in the Constitution, and which would ensure the all-round development of the child, building on the child's knowledge, potentiality and talent, and making the child free of fear, trauma and anxiety through a system of child friendly and child centred learning.
 14. It provides for protection and monitoring of the child's right to free and compulsory education and redressal of grievances by the National and State Commissions for Protection of Child Rights, which shall have the powers of a civil court.
 15. It provides for the establishment of a National Advisory Council and a State Advisory Council in each state to advise the respective governments on implementation of the provisions of the Act in an effective manner.

The duties and responsibilities of the Central Government, State Governments and Local Authorities specified in the Act are mentioned below in [Table 1.4](#).

Table 1.4 Duties of Governments under the Right to Education Act (2009)

<i>Sl.No.</i>	<i>Governments</i>	<i>Duties and Responsibilities</i>
1.	Central Government	(1) Create a national curriculum framework with assistance from the academic authority; (2) Develop and enforce teacher training standards; and (3) Provide State Governments with technical assistance for innovation, research and capacity building.
2.	State Government	(1) Provide free and compulsory elementary education for

children aged 6-14 years;

- (2) Provide for availability of neighbourhood schools;
- (3) Prevent discrimination of children from weaker sections or disadvantaged groups;
- (4) Provide infrastructure including staff, equipment, teacher training facilities, special student training facilities, and school building;
- (5) Ensure admission, attendance, and completion of elementary education;
- (6) Maintain quality education as per the standards and norms specified;
- (7) Ensure timely prescription of curriculum and courses; and
- (8) Appoint an academic authority.

3. Local Authority

- (1) Provide free and compulsory education and a neighbourhood school to every child;
 - (2) Ensure children from weaker sections are not discriminated against or prevented from completing elementary education;
 - (3) Maintain records of all children up to 14 years;
 - (4) Ensure admission, attendance, completion of elementary education, infrastructure, teaching training facilities, and special student training facilities;
 - (5) Ensure timely prescription of curriculum and courses; and
 - (6) Monitor schools and decide the academic year.
-

Amendment of RTE Act (2012)

The Right of Children to Free and Compulsory Education (Amendment) Act, 2012, made the following changes in the RTE Act of 2009:

1. The amendment included children with disabilities under the RTE Act. More specifically, the amendment expanded the definition of “child belonging to disadvantaged group” to include “a child with disability”.
2. The amendment provided that a child with “multiple disabilities” or “severe disability” may also have the right to opt for home-based education.
3. The amendment provided that the School Management Committees in respect of minority educational institutions shall function only in an advisory capacity.
4. The amendment declares that the provisions of RTE Act shall not apply to *Madrasas*, *Vedic Pathsalas* and educational institutions primarily imparting religious instruction.

NATIONAL POLICY ON VOLUNTARY ORGANISATIONS

A National Policy on Voluntary Organisations (VOs) was announced in 2007. It aims to further strengthen, promote and develop such institutions.

As per this policy, by 'VOs' are meant organisations engaged in public service, based on ethical, cultural, social, economic, political, religious, spiritual, philanthropic or scientific and technological considerations. VOs include formal as well as informal groups, such as: community-based organisations (CBOs), non-governmental development organisations (NGDOs), charitable organisations, support organisations, networks or federations of such organisations, as well as professional membership associations.

To be covered under the policy, VOs should broadly have the following characteristics:

- (a) They are private, i.e., separate from Government
- (b) They do not return the profits generated to their owners or directors
- (c) They are self-governing, i.e., not controlled by Government
- (d) They are registered organisations or informal groups, with defined aims and objectives.

The specific objectives of the policy are listed below:

1. To create an enabling environment for VOs that stimulates their enterprise and effectiveness, and safeguards their autonomy
2. To enable VOs to legitimately mobilise necessary financial resources from India and abroad
3. To identify systems by which the Government may work together with VOs, on the basis of the principles of mutual trust and respect, and with shared responsibility
4. To encourage VOs to adopt transparent and accountable systems of governance and management

NATIONAL POLICY ON RESETTLEMENT AND REHABILITATION

A National Policy on Resettlement and Rehabilitation was notified in 2004. This policy laid down immediate provisions for resettlement and rehabilitation of affected families, and the States, public sector undertakings or public bodies were free to offer better packages. The entire issue has subsequently been considered in pursuance of the Common Minimum Programme (CMP), which

called for a 'more effective' system of resettlement and rehabilitation for tribal and other groups displaced by development projects. A new rehabilitation policy has, therefore, been formulated and notified in 2007. The salient features of the new policy are:

1. Policy covers all cases of involuntary displacement.
2. Social Impact Assessment (SIA) introduced for projects involving displacement of 400/200 or more families in plain/tribal, hilly, Scheduled Areas, etc.
3. Tribal Development Plan in case of displacement of 200 + ST families;
4. Consultations with Gram Sabhas or public hearings made compulsory;
5. Principle of rehabilitation before displacement;
6. If possible, land for land as compensation;
7. Skill development support and preference in project jobs (one person per nuclear family);
8. Rehabilitation Grant in lieu of land/job;
9. Option for shares in companies implementing projects to affected families;
10. Housing benefits to all affected families including the landless;
11. Monthly pension to the vulnerable, such as disabled, destitute, orphans, widows, unmarried girls, etc;
12. Monetary benefits linked to the Consumer Price Index; also to be revised suitably at periodic intervals;
13. Necessary infrastructural facilities and amenities at resettlement areas;
14. Periphery development by project authorities;
15. R&R Committee for each Project, to be headed by administrator for R&R;
16. Ombudsman for grievance redressal; and
17. National Rehabilitation Commission for external oversight.

NATIONAL POLICY FOR EMPOWERMENT OF WOMEN

A National Policy for the Empowerment of Women was adopted in 2001. The goal of the policy is to bring about the advancement, development and empowerment of women. Specifically, the objectives of the policy include:

1. Creating an environment through positive economic and social policies for full development of women to enable them to realise their full potential
2. The *de-jure* and *de-facto* enjoyment of all human rights and fundamental freedoms by women on equal basis with men in all spheres-political, economic, social, cultural and civil
3. Equal access to participation and decision-making of women in social, political and economic life of the nation
4. Equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public office etc
5. Strengthening legal systems aimed at elimination of all forms of discrimination against women

6. Changing societal attitudes and community practices by active participation and involvement of both men and women
7. Mainstreaming a gender perspective in the development process
8. Elimination of discrimination and all forms of violence against woman and the girl child
9. Building and strengthening partnerships with civil society, particularly with women's organisations

NATIONAL POLICY FOR CHILDREN

The first National Policy for Children was adopted in 1974. This policy was revised and replaced by a new policy in 2013.

The new National Policy for Children (2013) reaffirms the government's commitment to the realisation of the rights of all children in the country. It recognises every person below the age of eighteen years as a child and that childhood is an integral part of life with a value of its own, and a long term, sustainable, multi-sectoral, integrated and inclusive approach is necessary for the harmonious development and protection of children.

The policy lays down twelve guiding principles that must be respected by national, state and local governments in their actions and initiatives affecting children. They are :

1. Every child has universal, inalienable and indivisible human rights.
2. The rights of children are interrelated and interdependent.
3. Every child has the right to life, survival, development, education, protection and participation.
4. Right to life, survival and development goes beyond the physical existence of the child and also encompasses the right to identity and nationality.
5. The mental, emotional, cognitive, social and the cultural development of the child are to be addressed in totality.
6. All children have equal rights and no child shall be discriminated.
7. The best interest of the child is of primary concern in all decisions and actions affecting the child.
8. The family environment is most conducive for the all-round development of children.
9. Every child has the right to a dignified life, free from exploitation.
10. Children are to be protected from all forms of harm, abuse, neglect, violence, maltreatment and exploitation in all settings.
11. Children must be provided the opportunity to express their views in matters affecting them.
12. Children's views are to be given due consideration in accordance with their age, maturity and evolving capacities.

The policy has identified survival, health, nutrition, education, development, protection and participation as the undeniable rights of every child, and has also declared these as key priority areas.

As children's needs are multi-sectoral, interconnected and require collective action, the policy aims at purposeful convergence and strong coordination across different sectors and levels of

governance; active engagement and partnerships with all stakeholders; setting up of a comprehensive and reliable knowledge base; provision of adequate resources; and sensitisation and capacity development of all those who work for and with children.

The policy provides for the formulation of a National Plan of Action for Children and the constitution of a National Coordination and Action Group for Children to monitor the progress of implementation.

NATIONAL POLICY FOR PERSONS WITH DISABILITIES

The National Policy for Persons with Disabilities was adopted in 2006. It recognises that persons with disabilities are a valuable human resource for the country and seeks to create an environment that provides them equal opportunities, protection of their rights and full participation in society.

The policy emphasises upon the fact that a majority of persons with disabilities can lead a better quality of life if they have equal opportunities and effective access to rehabilitation measures.

The salient features of the policy are:

1. Physical rehabilitation, which includes early detection and intervention, counseling and medical interventions and provision of aids and appliances
2. Educational rehabilitation which includes vocational training
3. Economic rehabilitation, for a dignified life in society. It includes employment in the public as well as private sector and self-employment
4. Development of rehabilitation professionals
5. Creation of a barrier-free environment
6. Provision of social security by various means like disability pension, unemployment allowance, etc.
7. Promotion of non-governmental organisations (NGOs)

NATIONAL POLICY FOR OLDER PERSONS

The National Policy for Older Persons (NPOP) was announced in 1999 to reaffirm the commitment to ensure the well-being of the older persons. The policy envisages State support to ensure financial and food security, health care, shelter and other needs of older persons, equitable share in development, protection against abuse and exploitation, and availability of services to improve the quality of their lives. The primary objectives of the policy are:

1. To encourage individuals to make provision for their own as well as their spouse's old age
2. To encourage families to take care of their older family members
3. To enable and support voluntary and non-governmental organisations to supplement the care provided by the family
4. To provide care and protection to the vulnerable elderly people
5. To provide adequate healthcare facility to the elderly
6. To promote research and training facilities to train geriatric care givers and organisers of

services for the elderly

7. To create awareness regarding elderly persons to help them lead productive and independent life

NATIONAL YOUTH POLICY

The first National Youth Policy was adopted in 1988. This policy was revised and replaced by another policy in 2003.

The changing scenario in the country due to globalisation, rapid technological advancement and the emergence of India as a global economic power necessitated a review of the 2003 policy. Accordingly, a new revised/modified policy was notified in 2014.

The vision of NYP-2014 is “to empower the youth of the country to achieve their full potential, and through them enable India to find its rightful place in the community of nations”. In order to achieve this vision, all stakeholders must work towards meeting five key objectives. This requires specific action in eleven priority areas, identified as important for youth development. The following table lists these objectives and priority areas:

Table 2.1 Objectives and Priorities of National Youth Policy (2014)

<i>Objectives</i>	<i>Priority Areas</i>
1. Create a productive workforce that can make a sustainable contribution to India’s economic development	(i) Education (ii) Employment and Skill development (iii) Entrepreneurship
2. Develop a strong and healthy generation equipped to take on future challenges	(i) Health and healthy lifestyle (ii) Sports
3. Instil social values and promote community service to build national ownership	(i) Promotion of social values (ii) Community engagement
4. Facilitate participation and civic engagement at all levels of governance	(i) Participation in politics and governance (ii) Youth engagement
5. Support youth at risk and create equitable opportunity for all disadvantaged and marginalised youth	(i) Inclusion (ii) Social justice

In the 2003 policy, ‘youth’ was defined as a person of age between 13-35 years, but in the 2014 policy, the youth age-group is defined as 15-29 years with a view to have a more focused approach, as far as various policy interventions are concerned.

NATIONAL POLICY ON EDUCATION

A National Policy on Education (NPE) was adopted in 1986 and this was modified/revised in 1992. The modified policy envisages a National System of Education to bring about uniformity in education, making adult education programmes a mass movement, providing universal access to education, retention of students and quality in elementary education, special emphasis on education of girls, establishment of pace-setting schools like Navodaya Vidyalayas in each district, vocationalisation of secondary education, synthesis of knowledge and inter-disciplinary research in higher education, starting more Open Universities in the states, strengthening of the All-India Council of Technical Education, encouraging sports, physical education, *yoga* and adoption of an effective evaluation method, etc. Besides, a decentralised management structure had also been suggested to ensure popular participation in education.

The National System of Education as envisaged in the NPE is based on a national curricular framework, which envisages a common core along with other flexible and region-specific components. While the policy stresses on widening of opportunities for the people, it calls for consolidation of the existing system of higher and technical education. It also emphasises upon the need for a much higher level of investment in education of at least six per cent of the national income.

The Policy also envisages that the Central Advisory Board of Education (CABE) will play a pivotal role in reviewing educational development, determining the changes required to improve upon the system and monitoring implementation, and will function through appropriate mechanisms created to ensure contact with, and coordination among, the various areas of human resource development.

NATIONAL POLICY ON CHILD LABOUR

A National Policy on Child Labour was formulated in 1987. It contains the action plan for tackling the problem of child labour. It envisages:

1. A legislative action plan for strict enforcement of Child Labour Act and other labour laws
2. Focusing and convergence of general development programmes for benefiting working children wherever possible
3. Project-based plan of action for launching of projects for the welfare of working children in areas of high concentration of child labour

In pursuance of the above policy, the National Child Labour Project (NCLP) Scheme was started in 1988 to rehabilitate the working children. The Scheme seeks to adopt a sequential approach with a focus on rehabilitation of children working in hazardous occupations and processes in the first instance. Under the Scheme, after a survey of child labour engaged in hazardous occupations and processes has been conducted, children are to be withdrawn from these occupations and processes and then put into special schools in order to enable them to be mainstreamed into formal schooling system.

NATIONAL POLICY ON DISASTER MANAGEMENT

A National Policy on Disaster Management (NPDM) was adopted in 2009. The objectives of the

policy are as follows:

1. Promoting a culture of prevention, preparedness and resilience at all levels through knowledge, innovation and education
2. Encouraging mitigation measures based on technology, traditional wisdom and environmental sustainability
3. Mainstreaming disaster management into the developmental planning process
4. Establishing institutional and techno-legal frameworks to create an enabling regulatory environment and a compliance regime
5. Ensuring efficient mechanism for identification, assessment and monitoring of disaster risks
6. Promoting a productive partnership with the media to create awareness and contributing towards capacity development
7. Ensuring efficient response and relief with a caring approach towards the needs of the vulnerable sections of the society
8. Undertaking reconstruction as an opportunity to build disaster resilient structures and habitat for ensuring safer living

NATIONAL TRIBAL POLICY

A draft National Tribal Policy was formulated in 2006. It covers all important issues that concern tribals. Its objectives are as follows:

1. Preservation of traditional and customary systems and regime of rights and concessions enjoyed by different ST communities
2. Preventing alienation of land owned by STs and restoring possession of wrongfully alienated lands
3. Protection and vesting of rights of STs on forest lands and other forest rights
4. Providing a legislative frame for rehabilitation and resettlement in order to minimise displacement
5. Empowerment of tribal communities to promote self-governance and self-rule
6. Protection of political rights to ensure greater and active participation of tribals in political bodies at all levels
7. Reducing and removing the gap in the HDI of the tribal population and the general population
8. Ensuring access to health care services, safe drinking water and improved sanitation
9. Increase the participation of STs in sports and culture at local, district state and National levels
10. Promotion and development of tribal handicrafts and organic and ethnic products
11. Arresting the increasing demand from new communities for inclusion in the list of STs by rationalising the process of scheduling
12. Focussing on the development of Primitive Tribal Groups (PTGs), which are to be renamed as Particularly Vulnerable Tribal Groups
13. Development of nomadic and semi-nomadic Tribes through need based specific programmes

NATIONAL POLICY ON OPEN STANDARDS FOR E-GOVERNANCE

The Government of India (GoI) has taken major initiatives to accelerate the development and implementation of e-Governance and to create right environments for introducing G2G, G2B, G2E and G2C services within the country.

A National Policy on Open Standards for e-Governance was notified in November 2010. It provides a set of guidelines for the consistent, standardised and reliable implementation of e-Governance solutions. It has been designed to ensure seamless interoperability of various e-Governance solutions developed by multiple agencies. It also aims to improve the technology choices available and avoid vendor lock-in.

The policy is applicable to all systems used for e-Governance. All standards used in any new e-Governance Systems (including all inter-department and intra-department systems) and Government to public (including businesses) systems must adhere to this policy. For legacy systems, it must be ensured that interface with other systems from the legacy system must adhere to this policy. The designated body/agencies responsible for standardisation would apply the principles of this policy while adopting/evolving standards.

The GoI shall adopt Single and Royalty-Free (RF) Open Standard progressively for a “specific purpose within a domain” (“area”), to meet the laid down objectives of the policy.

An Identified Standard will qualify as an “Open Standard” if it meets the following criteria:

1. Specification document of the Identified Standard shall be available with or without a nominal fee
2. The patent claims necessary to implement the Identified Standard shall be made available on a Royalty-Free basis for the life time of the Standard
3. Identified Standard shall be adopted and maintained by a not-for-profit organisation, wherein all stakeholders can opt to participate in a transparent, collaborative and consensual manner
4. Identified Standard shall be recursively open as far as possible
5. Identified Standard shall have technology-neutral specification
6. Identified Standard shall be capable of supporting all Indian official languages

NATIONAL HEALTH POLICY

The first National Health Policy (NHP) of 1983 was a response to the commitment to the Alma Ata declaration to achieve “Health for All by 2000”. It was revised in 2002.

The National Health Policy of 2002 (NHP-2002) was formulated with the following objectives:

1. The main objective of this policy is to achieve an acceptable standard of good health amongst the general population of the country.
2. The approach is to increase access to the decentralized public health system by establishing

new infrastructure in deficient areas, and by upgrading the infrastructure in the existing institutions.

3. Overriding importance is given to ensuring a more equitable access to health services across the social and geographical expanse of the country.
4. Emphasis is given to increasing the aggregate public health investment through a substantially increased contribution by the Central Government. It is expected that this initiative will strengthen the capacity of the public health administration at the state level to render effective service delivery.
5. The contribution of the private sector in providing health services is much enhanced, particularly for the population group which can afford to pay for services.
6. Primacy is given to preventive and first-line curative initiatives at the primary health level through increased sectoral share of allocation.
7. Emphasis is laid on rational use of drugs within the allopathic system.
8. Increased access to tried and tested systems of traditional medicine is ensured.

Within these broad objectives, NHP-2002 endeavours to achieve the time-bound goals mentioned in the following table:

Table 2.2 Goals of National Health Policy (2002)

<i>Goals</i>	<i>To Be Achieved By</i>
1. Eradicate Polio and Yaws	2005
2. Eliminate Leprosy	2005
3. Eliminate <i>Kala Azar</i>	2010
4. Eliminate Lymphatic Filariasis	2015
5. Achieve zero-level growth of HIV / AIDS	2007
6. Reduce Mortality by 50% on account of Tuberculosis, Malaria and other Vector and Water-Borne diseases	2010
7. Reduce Prevalence of Blindness to 0.5%	2010
8. Reduce IMR to 30/1000 and MMR 100/Lakh	2010
9. Increase utilisation of public health facilities from current level of <20 to >75%	2010
10. Establish an integrated system of surveillance, National Health Accounts and Health Statistics.	2005
11. Increase health expenditure by Government as a % of GDP from the existing 0.9% to 2.0%	2010
12. Increase share of Central grants to constitute at least 25% of total health spending	2010
13. Increase State Sector Health spending from 5.5% to 7% of the budget	2005
14. Further increase of State Sector Health Spending from 7% to 8%	2010

NATIONAL HEALTH RESEARCH POLICY

A draft National Health Research Policy was formulated in 2011. Its vision is to maximise the returns on investments in health research through creation of a health research system to prioritise, coordinate, facilitate conduct of effective and ethical health research and its translation into products, policies and programmes aimed at improving health especially of the vulnerable populations.

The objectives of the policy are:

1. To identify priorities for effective and ethical health research to enable the achievement of the objectives of National Health Policy (NHP) 2002, National Rural Health Mission (NRHM), Bharat Nirman and National Food Security Act as well as global commitments such as Millennium Development Goals (MDG) and International Health Regulations (IHR), ensuring that the results of health research are translated into action.
2. To foster inter-sectoral coordination in health research including all departments within the Government, Private Sector and the Academia to promote innovation and ensure effective translation to encourage/accelerate indigenous production of diagnostics, vaccines, therapeutics, medical devices, etc.
3. To focus on the marginalised, the vulnerable and the disadvantaged sections of society.
4. To strengthen national networks between research institutes, academia and service institutes, and encourage Public-Private Partnership (PPP).
5. To put in place strategies and mechanisms for assessing the cost effectiveness and cost benefits of interventions for health.
6. To develop and manage human resources and infrastructure for health research and ensure that international collaborative research contributes to national health.

The policy makes the following prescriptions:

1. Create a National Health Research System
2. Establish a National Health Research Management Forum
3. Operationalise a Ten-point action programme

NATIONAL POPULATION POLICY

A National Population Policy was adopted in 2000. It provides a framework for advancing goals and prioritising strategies during the next decade to meet the reproductive and child health needs of the people of India. It states that the objective of economic and social development is to improve the quality of lives people lead to enhance their well-being and to provide them with opportunities and choices to become productive assets in society.

The objectives of the policy are mentioned below:

1. The immediate objective is to address the un-met needs for contraception, health care infrastructure and health personnel and to provide integrated service delivery for basic reproductive and child health care.

2. The medium-term objective is to bring the Total Fertility Rate (TFR) to replacement levels by 2010, through a vigorous implementation of inter-sectoral operational strategies.
3. The long-term objective is to achieve a stable population by 2045, at a level consistent with the requirements of sustainable economic growth, social development, and environmental protection.

In pursuance of these objectives, the policy formulated 14 National Socio-Demographic Goals to be achieved by 2010. They are :

1. To address the un-met needs for basic reproductive and child health services.
2. To make school education free and compulsory and reduce drop outs.
3. To reduce infant mortality rate to below 30 per 1000 live births.
4. To reduce maternal mortality rate to below 100 per 100,000 live births.
5. To achieve universal immunization of children.
6. To promote delayed marriage for girls.
7. To achieve 80 percent institutional deliveries.
8. To achieve universal access to information/counseling and services.
9. To achieve 100 per cent registration of births, deaths and marriages.
10. To contain the spread of AIDS.
11. To prevent and control communicable diseases.
12. To integrate Indian Systems of Medicine in the provision of services.
13. To promote vigorously the small family norm.
14. To bring convergence in implementation of related programs.

NATIONAL URBAN HOUSING AND HABITAT POLICY

The National Urban Housing and Habitat Policy (2007) seeks to promote various types of public-private partnerships for realising the goal of “Affordable Housing For All” with special emphasis on the urban poor. The salient features of the policy are as follows:

1. Role of housing and provision of basic services to the urban poor has been integrated into the objectives of the Jawaharlal Nehru National Urban Renewal Mission (JNNURM).
2. Special emphasis has been laid on Scheduled Castes/Tribes/Backward Classes/Minorities, Empowerment of Women within the ambit of the urban poor.
3. The policy focuses on a symbiotic development of rural and urban areas in line with the objectives of the 74th Constitution Amendment Act.
4. Emphasis has been laid on urban planning, increased supply of land, use of spatial incentives like additional Floor Area Ratio (FAR), Transferable Development Rights, etc., increased flow of funds, healthy environment, effective solid waste management and use of renewal sources of energy.
5. Encouraging Integrated townships and Special Economic Zones. 10-15% of land in every new public/private housing projects or 20-25% FAR whichever is greater to be reserved for

EWS/LIG Housing through appropriate spatial incentives.

6. Private sector to be permitted land assembly within the purview of Master Plans. Action plans for urban slum dwellers and special package for cooperative housing, labour housing and employees housing is to be prepared.
7. Approach will be *in situ* slum rehabilitation. Relocation will be considered only in specific cases.
8. Micro finance institutions to be promoted at state level to expedite flow of finances to urban poor.
9. Model municipal laws to be prepared by the Central Government.
10. Development of mass rapid transit system at sub-regional level envisaged.
11. Green cover for cities to be encouraged for balanced ecological development.
12. All states to be encouraged to develop a “Habitat Infrastructure Action Plan” for all cities with a population of over one lakh.

NATIONAL POLICY ON URBAN STREET VENDORS

In 2009, the Government had comprehensively revised the National Policy on Urban Street Vendors (2004). The revised National Policy on Urban Street Vendors, 2009 aims at fostering a congenial environment for the urban street vendors to carry out their activities without harassment from any quarter. It also provides mechanism of regulation of such activities to avoid congestion on sidewalks and to ensure free flow of traffic on roads.

The salient features of the policy are mentioned as follows:

1. A Town Vending Committee (TVC) is to be constituted by the appropriate Government in all cities/towns.
2. To prevent the extortion of street vendors, the collection of revenue through TVC introduced.
3. TVC to be responsible for redressal of grievances and resolution of disputes arising amongst street vendors or between street vendors and third parties – as the first point of intervention.
4. Demarcation of ‘Restriction- Free Vending Zones’, ‘Restricted Vending Zones’ and ‘No-Vending Zones’ to be made city/town specific; Mobile vending to be permitted in all areas unless designated as ‘No-vending Zone’.
5. Master/zonal/local development plans to address the requirements of space for street vending as an important urban activity.
6. There should not be any cut-off date for registration or limit imposed on the number of vendors to be permitted in any city/town.
7. Registration and issuance of Identity Cards to street vendors with details such as vendor’s code number, vendor’s name, vendor’s nominee, category (stationary/mobile) etc.
8. Comprehensive, digitised photographic surveys of street vendors and their locations .
9. Concept of roster-based time-sharing model of space introduced where demand for space exceeds supply.
10. Provision for reservation for SCs/STs and priority to differently-abled persons in the

allocation of vending stalls/spaces.

11. A time limit for stationary vendors – 10 years with a further extension of another 10 years introduced.
12. Street vendors, being micro-entrepreneurs to be provided with access to credit, microfinance, insurance, vocational education etc.

NATIONAL URBAN SANITATION POLICY

The vision of the National Urban Sanitation Policy (2008) is that “all Indian cities and towns become totally sanitized, healthy and liveable and ensure and sustain good public health and environmental outcome for all their citizens with a special focus on hygienic and affordable sanitation facilities for the urban poor and women.”

In order to achieve the above goal, the policy suggests the undertaking of the following activities :

1. Generating awareness about sanitation and its linkages with public and environmental health amongst communities and institutions.
2. Promoting mechanisms to bring about and sustain behavioural changes aimed at adoption of healthy sanitation practices.
3. Promoting access to households with safe sanitation facilities (including proper disposal arrangements).
4. Promoting community-planned and managed toilets for groups of households who have constraints of space, tenure or economic constraints in gaining access to individual facilities.
5. Adequate availability and 100% upkeep and management of public sanitation facilities in all urban areas, to rid them of open defecation and environmental hazards.
6. Mainstream thinking, planning and implementing measures related to sanitation in all sectors and departmental domains as a cross-cutting issue.
7. Strengthening national, state, city and local institutions (public, private and community) to accord priority to sanitation provision.
8. Extending access to proper sanitation facilities for poor communities and other unserved settlements.
9. Promoting proper functioning of network-based sewerage systems and ensuring connections of households to them.
10. Promoting recycle and reuse of treated waste water for non-potable applications.

NATIONAL MANUFACTURING POLICY

In 2011, the government announced a National Manufacturing Policy to bring about a quantitative and qualitative change with the following six objectives:

1. Increase manufacturing sector growth to 12-14% over the medium-term to make it the engine of growth for the economy. The 2 to 4% differential over the medium-term growth rate of the overall economy will enable manufacturing to contribute atleast 25% of the National GDP by

- 2022.
2. Increase the rate of job creation in manufacturing to create 100 million additional jobs by 2022.
3. Creation of appropriate skill sets among the rural migrant and urban poor to make growth inclusive.
4. Increase domestic value addition and technological 'depth' in manufacturing.
5. Enhance global competitiveness of Indian manufacturing through appropriate policy support.
6. Ensure sustainability of growth, particularly with regards to the environment including energy efficiency, optimal utilisation of natural resources and restoration of damaged/ degraded ecosystems.

Specific policy instruments have been conceptualised to achieve the objectives stated above. These instruments broadly cover the following areas:

1. Rationalisation and simplification of business regulations
2. Simple and expeditious exit mechanism for closure of sick units while protecting labour interests
3. Financial and institutional mechanisms for technology development, including green technologies
4. Industrial training and skill upgradation measures
5. Incentives for Small and Medium Enterprises (SMEs)
6. Special Focus Sectors
7. Leveraging infrastructure deficit and government procurement—including defence
8. Clustering and aggregation : National Investment and Manufacturing Zones (NIMZs)
9. Trade Policy

NATIONAL TELECOM POLICY

The vision of the National Telecom Policy (2012) is to provide secure, reliable, affordable and high quality converged telecommunication services anytime, anywhere for an accelerated inclusive socio-economic development.

The objectives/thrust areas of the policy are as follows:

1. Increase rural tele-density from the current level of around 39 to 70 by the year 2017 and 100 by the year 2020.
2. Provide affordable and reliable broadband-on-demand by the year 2015 and to achieve 175 million broadband connections by the year 2017 and 600 million by the year 2020 at minimum 2 Mbps download speed and making available higher speeds of at least 100 Mbps on demand.
3. Enable citizens to participate in and contribute to e-governance in key sectors like health, education, skill development, employment, governance, banking, etc. to ensure equitable and inclusive growth.
4. Provide high speed and high quality broadband access to all village panchayats through a combination of technologies by the year 2014 and progressively to all villages and habitations

by 2020.

5. Promote innovation, indigenous R&D and manufacturing to serve domestic and global markets, by increasing skills and competencies.
6. Simplify the licensing framework to further extend converged high quality services across the nation including rural and remote areas. This will not cover content regulation.
7. Strive to create One Nation – One License across services and service areas.
8. Achieve One Nation – Full Mobile Number Portability and work towards One Nation – Free Roaming.
9. Reposition the mobile phone from a mere communication device to an instrument of empowerment that combines communication with proof of identity, fully secure financial and other transaction capability, multi-lingual services and a whole range of other capabilities that ride on them and transcend the literacy barrier.
10. Deliver high quality seamless voice, data, multimedia and broadcasting services on converged networks for enhanced service delivery to provide superior experience to users.
11. Optimise delivery of services to consumers irrespective of their devices or locations by fixed-mobile convergence, thus making available valuable spectrum for other wireless services.
12. Recognise telecom as Infrastructure Sector to realise true potential of ICT for development.
13. Enhanced and continued adoption of green policy in telecom and incentivise use of renewable energy sources for sustainability.
14. Protect consumer interest by promoting informed consent, transparency and accountability in quality of service, tariff, usage etc.
15. Achieve substantial transition to new Internet Protocol (IPv 6) in the country in a phased and time bound manner by 2020 and encourage an ecosystem for provision of a significantly large bouquet of services on IP platform.

NATIONAL WATER POLICY

The first National Water Policy was adopted in 1987. This policy was revised in 2002 and again in 2012.

The new National Water Policy of 2012 was formulated to ensure sustainable and equitable development taking into consideration the likely impact due to climate change. The salient features of this policy are as follows:

1. Safe water for drinking and sanitation should be considered as pre-emptive needs, followed by high priority allocation for other basic domestic needs (including needs of animals), achieving food security, supporting sustenance agriculture and minimum eco-system needs. Available water, after meeting the above needs, should be allocated in a manner to promote its conservation and efficient use.
2. There is a need to evolve a National Water Framework Law as an umbrella statement of general principles governing the exercise of legislative and/or executive (or devolved) powers by the Centre, the States and the local governing bodies.

3. There is a need for comprehensive legislation for optimum development of inter-state rivers and river valleys to facilitate inter-State coordination ensuring scientific planning of land and water resources.
4. Ecological needs of the river should be determined, through scientific study, recognising that the natural river flows are characterized by low or no flows, small floods (freshets), large floods, etc., and should accommodate developmental needs.
5. Planning and management of water resources structures, such as, dams, flood embankments, tidal embankments, etc., should incorporate coping strategies for possible climate changes. The acceptability criteria in regard to new water resources projects need to be re-worked in view of the likely climate changes.
6. A system to evolve benchmarks for water uses for different purposes, i.e., water footprints, and water auditing should be developed to promote and incentivise efficient use of water.
7. Pricing of water should ensure its efficient use and reward conservation. Equitable access to water for all and its fair pricing, for drinking and other uses such as sanitation, agricultural and industrial, should be arrived at through independent statutory Water Regulatory Authority, set up by each state.
8. Water Users, Associations (WUAs) should be given statutory powers to collect and retain a portion of water charges, manage the volumetric quantum of water allotted to them and maintain the distribution system in their jurisdiction.
9. Encroachments and diversion of water bodies (like rivers, lakes, tanks, ponds, etc.) and drainage channels (irrigated area as well as urban area drainage) must not be allowed, and wherever it has taken place, it should be restored to the extent feasible and maintained properly.
10. Being inter-disciplinary in nature, water resources projects should be planned considering social and environmental aspects also in addition to techno-economic considerations in consultation with project affected and beneficiary families.
11. While every effort should be made to avert water related disasters like floods and droughts, through structural and non-structural measures, emphasis should be on preparedness for flood/drought with coping mechanisms as an option. Greater emphasis should be placed on rehabilitation of natural drainage system.
12. There is a need to remove the large disparity between stipulations for water supply in urban areas and in rural areas. Efforts should be made to provide improved water supply in rural areas with proper sewerage facilities.
13. There should be a forum at the national level to deliberate upon issues relating to water and evolve consensus, co-operation and reconciliation amongst party states.
14. A permanent Water Disputes Tribunal at the Centre should be established to resolve the disputes expeditiously in an equitable manner.
15. Water resources projects and services should be managed with community participation. For improved service delivery on sustainable basis, the State Governments/urban local bodies may associate private sector in public private partnership mode with penalties for failure.
16. Integrated Water Resources Management (IWRM) taking river basin/sub-basin as a unit should be the main principle for planning, development and management of water resources.
17. A National Water Informatics Centre should be established to collect, collate and process

hydrologic data regularly from all over the country, conduct the preliminary processing, and maintain in an open and transparent manner on a GIS platform.

18. An autonomous centre for research in water policy should also be established to evaluate impacts of policy decisions and to evolve policy directives for changing the scenario of water resources.

NATIONAL AGRICULTURE POLICY

The first ever National Agriculture Policy was announced in 2000. The policy seeks to actualise the vast untapped growth potential of Indian agriculture, strengthen rural infrastructure to support faster agricultural development, promote value addition, accelerate the growth of agro business, create employment in rural areas, secure a fair standard of living for the farmers and agricultural workers and their families, discourage migration to urban areas and face the challenges arising out of economic liberalisation and globalisation. Over the next two decades, the policy aims to attain:

1. A growth rate in excess of four per cent per annum in the agriculture sector.
2. The policy seeks to promote technically sound, economically viable, environmentally non-degrading, and socially acceptable use of country's natural resources – land, water and genetic endowment to promote sustainable development of agriculture.
3. The use of bio-technologies will be promoted for evolving plants which consume less water, are drought resistant, pest resistant, contain more nutrition, give higher yields and are environmentally safe.
4. Conservation of bio-resources through their *ex situ* preservation in Gene Banks, as also *in situ* conservation in their natural habitats through bio-diversity parks, etc., will receive a high priority to prevent depletion of bio-diversity.
5. Balanced and conjunctive use of bio-mass, organic and inorganic fertilizers and controlled use of agro chemicals through integrated nutrients and pest management (INM & IPM) will be promoted.
6. A regionally differentiated strategy will be pursued, taking into account the agronomic, climatic and environmental conditions to realise the full growth potential of every region. Special attention will be given to development of new crop varieties, particularly of food crops, with higher nutritional value.
7. A major thrust will be given to development of rainfed and irrigated horticulture, floriculture, roots and tubers, plantation crops, aromatic and medicinal plants, bee-keeping and sericulture for augmenting food supply, promoting exports and generating employment in the rural areas.
8. Development of animal husbandry, poultry, dairying and aqua-culture will receive a high priority in the efforts for diversifying agriculture, increasing animal protein availability in the food basket and for generating exportable surpluses.
9. An integrated approach to marine and inland fisheries, designed to promote sustainable aquaculture practices, will be adopted.
10. The regionalisation of agricultural research based on identified agro-climatic zones will be accorded high priority. Application of frontier sciences like bio-technology, remote sensing technologies, pre-and post-harvest technologies, energy saving technologies, technology for

environmental protection through national research system as well as proprietary research will be encouraged.

11. The research and extension linkages will be strengthened to improve quality and effectiveness of research and extension system.
12. Adequate and timely supply of quality inputs such as seeds, fertilizers, plant protection chemicals, bio-pesticides, agricultural machinery and credit at reasonable rates to farmers will be the endeavour of the Government.
13. The Government will endeavour to create a favourable economic environment for increasing capital formation and farmer's own investments by removing distortions in the incentive regime for agriculture, improving the terms of trade with manufacturing sectors and bringing about external and domestic market reforms.
14. Rural electrification will be given a high priority as a prime mover for agricultural development. The quality and availability of electricity supply will be improved and the demand of the agriculture sector will be met adequately in a reliable and cost effective manner.
15. Bridging the gap between irrigation potential created and utilised, completion of all on-going projects, restoration and modernisation of irrigation infrastructure including drainage, evolving and implementing an integrated plan of augmentation and management of national water resources will receive special attention for augmenting the availability and use of irrigation water.
16. Emphasis will be laid on development of marketing infrastructure and techniques of preservation, storage and transportation with a view to reducing post-harvest losses and ensuring a better return to the grower.

NATIONAL POLICY FOR FARMERS

The Government had constituted a National Commission on Farmers in 2004 under the chairmanship of Dr. M.S. Swaminathan. The Commission submitted its final report in 2006. Based on the recommendations made by the Commission, the "National Policy for Farmers, 2007" has been formulated and approved.

The goals of the policy are:

1. To improve economic viability of farming by substantially increasing the net income of farmers and to ensure that agricultural progress is measured by advances made in this income.
2. To protect and improve land, water, bio-diversity and genetic resources essential for sustained increase in the productivity, profitability and stability of major farming systems by creating an economic stake in conservation.
3. To develop support services including provision for seeds, irrigation, power, machinery and implements, fertilizers and credit at affordable prices in adequate quantity for farmers.
4. To strengthen the bio-security of crops, farm animals, fish and forest trees for safeguarding the livelihood and income security of farmer families and the health and trade security of the nation.

5. To provide appropriate price and trade policy mechanisms to enhance farmers' income.
6. To provide for suitable risk management measures for adequate and timely compensation to farmers.
7. To complete the unfinished agenda in land reforms and to initiate comprehensive asset and aquarian reforms.
8. To mainstream the human and gender dimension in all farm policies and programmes.
9. To pay explicit attention to sustainable rural livelihoods.
10. To foster community-centred food, water and energy security systems in rural India and to ensure nutrition security at the level of every child, woman and man.
11. To introduce measures which can help attract and retain youths in farming and processing of farm products for higher value addition by making it intellectually stimulating and economically rewarding.
12. To make India a global outsourcing hub in the production and supply of the inputs needed for sustainable agriculture, products and processes developed through biotechnology and Information and Communication Technology (ICT).
13. To restructure the agricultural curriculum and pedagogic methodologies for enabling every farm and home science graduate to become an entrepreneur and to make agricultural education gender sensitive.
14. To develop and introduce a social security system for farmers.
15. To provide appropriate opportunities in adequate measure for the non-farm employment of the farm households.

For the purpose of this policy, the term “farmer” will refer to a person actively engaged in the economic and/or livelihood activity of growing crops and producing other primary agricultural commodities and will include all agricultural operational holders, cultivators, agricultural labourers, sharecroppers, tenants, poultry and livestock rearers, fishers, beekeepers, gardeners, pastoralists, non-corporate planters and planting labourers, as well as persons engaged in various farming related occupations such as sericulture vermiculture, and agro-forestry. The term will also include tribal families/persons engaged in shifting cultivation and in the collection, use and sale of minor and non-timber forest produce.

NATIONAL ENVIRONMENT POLICY

The objectives of the National Environment Policy (2006) are mentioned below:

1. To protect and conserve critical ecological systems and resources, and invaluable natural and man-made heritage, which are essential for life support, livelihoods, economic growth, and a broad conception of human well-being.
2. To ensure equitable access to environmental resources and quality for all sections of society, and in particular, to ensure that poor communities, which are most dependent on environmental resources for their livelihoods, are assured secure access to these resources.
3. To ensure judicious use of environmental resources to meet the needs and aspirations of the present and future generations.

4. To integrate environmental concerns into policies, plans, programmes, and projects for economic and social development.
5. To ensure efficient use of environmental resources in the sense of reduction in their use per unit of economic output, to minimise adverse environmental impacts.
6. To apply the principles of good governance (transparency, rationality, accountability, reduction in time and costs, participation, and regulatory independence) to the management and regulation of use of environmental resources.
7. To ensure higher resource flows, comprising finance, technology, management skills, traditional knowledge, and social capital, for environmental conservation through mutually beneficial multi-stakeholder partnerships between local communities, public agencies, the academic and research community, investors, and multilateral and bilateral development partners.

NATIONAL BIO-FUEL POLICY

The National Policy on Bio-fuels (2009) endeavours to facilitate and bring about optimal development and utilisation of indigenous biomass feedstocks for production of bio-fuels. The policy also envisages development of the next generation of more efficient bio-fuel conversion technologies based on new feedstocks.

The policy sets out the vision, medium-term goals, strategy and approach to bio-fuel development, and proposes a framework of technological, financial and institutional interventions and enabling mechanisms.

The policy aims at mainstreaming of bio-fuels and, therefore, envisions a central role for it in the energy and transportation sectors of the country in the coming decades. The policy will bring about accelerated development and promotion of the cultivation, production and use of bio-fuels to increasingly substitute petrol and diesel for transport and be used in stationary and other applications, while contributing to energy security, climate change mitigation, apart from creating new employment opportunities and leading to environmentally sustainable development.

The salient features of the policy are as follows:

1. Bio-diesel production will be taken up from non-edible oil seeds in waste/degraded/marginal lands.
2. An indicative target of 20% blending of bio-fuels, both for bio-diesel and bio-ethanol, by 2017 has been proposed.
3. Minimum Support Price (MSP) for non-edible oil seeds would be announced with periodic revision to provide fair price to the growers.
4. Minimum Purchase Price (MPP) for purchase of bio-ethanol and bio-diesel would be announced with periodic revision.
5. Major thrust will be given to research, development and demonstration with focus on plantations, processing and production of bio-fuels, including Second Generation Bio-fuels.
6. Financial incentives, including subsidies and grants, may be considered for second generation bio-fuels. If it becomes necessary, a National Bio-fuel Fund could be considered.
7. A National Bio-fuel Coordination Committee, headed by the Prime Minister, will be set up to

provide policy guidance and coordination.

8. A Bio-fuel Steering Committee, chaired by the Cabinet Secretary, will be set up to oversee implementation of the policy.

NATIONAL POLICY ON INFORMATION TECHNOLOGY

The vision of the National Policy on Information Technology (2012) is to strengthen and enhance India's position as the Global IT hub and to use IT and cyber space as an engine for rapid, inclusive and substantial growth in the national economy.

The policy seeks to achieve the twin goals of bringing the full power of ICT (Information and Communication Technology) within the reach of the whole of India and harnessing the capability and human resources of the whole of India to enable India to emerge as the Global Hub and Destination for IT and ITES (Information Technology Enabled Services) by 2020. The focus of the policy is therefore on deployment of ICT in all sectors of the economy and on providing IT solutions to the world.

The objectives/thrust areas of the policy are as follows:

1. To increase revenues of IT and ITES Industry from 100 Billion USD currently to 300 Billion USD by 2020 and expand exports from 69 Billion USD currently to 200 Billion USD by 2020.
2. To gain significant global market-share in emerging technologies and services.
3. To promote innovation and R&D in cutting edge technologies and development of applications and solutions in areas like localisation, location based services, mobile value-added services, cloud computing, social media and utility models.
4. To encourage adoption of ICTs in key economic and strategic sectors to improve their competitiveness and productivity.
5. To provide fiscal benefits to SMEs (Small and Medium Enterprises) and Startups for adoption of IT in value creation.
6. To create a pool of 10 million additional skilled manpower in ICT.
7. To make at least one individual in every household e-literate.
8. To provide for mandatory delivery of and affordable access to all public services in electronic mode.
9. To enhance transparency, accountability, efficiency, reliability and decentralisation in Government and in particular, in delivery of public services.
10. To leverage ICT for key social sector initiatives like education, health, rural development and financial services to promote equity and quality.
11. To make India the global hub for development of language technologies, to encourage and facilitate development of content accessible in all Indian languages and thereby help bridge the digital divide.
12. To enable access of content and ICT applications by differently-abled people to foster inclusive development.
13. To leverage ICT for expanding the workforce and enabling life-long learning.
14. To strengthen the Regulatory and Security Framework for ensuring a secure and legally

compliant Cyberspace ecosystem.

15. To adopt open standards and promote open source and open technologies.

SCIENCE, TECHNOLOGY AND INNOVATION POLICY

India's Scientific Policy Resolution (SPR) of 1958 resolved to foster, promote and sustain the cultivation of science and scientific research in all its aspects. Technology was then expected to flow from the country's established science infrastructure. The Technology Policy Statement (TPS) of 1983 emphasised the need to attain technological competence and self-reliance.

The Science and Technology Policy (STP) of 2003 brought science and technology together and emphasised the need for investment in R & D. It called for integrating programmes of socio-economic sectors with the national R & D system to address national problems as well as creating a national innovation system.

India has declared 2010–20 as the “Decade of Innovation”. The Government has stressed the need to enunciate a policy to synergise science, technology and innovation and has also established the National Innovation Council. The Science, Technology and Innovation (STI) Policy of 2013 is in furtherance of these pronouncements. It aims to bring fresh perspectives to bear on innovation in the Indian context.

The guiding vision of aspiring Indian STI enterprise is to accelerate the pace of discovery and delivery of science-led solutions for faster, sustainable and inclusive growth. A strong and viable Science, Research and Innovation system for High Technology-led path for India (SRISHTI) is the goal of the STI policy.

The key elements of the STI policy are:

1. Promoting the spread of scientific temper amongst all sections of society.
2. Enhancing skill for applications of science among the young from all social strata.
3. Making careers in science, research and innovation attractive enough for talented and bright minds.
4. Establishing world class infrastructure for R & D for gaining global leadership in some select frontier areas of science.
5. Positioning India among the top five global scientific powers by 2020.
6. Linking contributions of science, research and innovation system with the inclusive economic growth agenda and combining priorities of excellence and relevance.
7. Creating an environment for enhanced Private Sector Participation in R & D.
8. Enabling conversion of R & D outputs into societal and commercial applications by replicating hitherto successful models as well as establishing of new PPP structures.
9. Seeking S & T-based high-risk innovations through new mechanisms.
10. Fostering resource-optimised, cost-effective innovations across size and technology domains.
11. Triggering changes in the mindset and value systems to recognise, respect and reward performances which create wealth from S & T-derived knowledge.
12. Creating a robust national innovation system.

NATIONAL MINERAL POLICY

The National Mineral Policy enunciated by the Central Government in 1993 was for liberalisation of the mining sector. With the passage of time and the economic development of the country, which requires a vibrant energy, metal and commodities sector to meet the infrastructure, manufacturing and other sectoral demands, nature and requirements of the mineral sector has changed.

Based on the recommendations of a High Level Committee set up in the Planning Commission, the National Mineral Policy, 1993 was replaced with a new National Mineral Policy, 2008.

The new National Mineral Policy provides for a change in the role of the Central Government and the State governments, particularly in relation to incentivising private sector investment in exploration and mining and ensuring level-playing field and transparency in the grant of concessions and promotion of scientific mining within a sustainable development framework as also to protect the interest of local population in mining areas.

The salient features of the policy are mentioned below:

1. It will be ensured that regional and detailed exploration is carried out systematically in the entire geologically conducive mineral bearing area of the country using state-of-the-art techniques in a time bound manner.
2. Zero waste mining will be the national goal and mining technology will be upgraded to ensure extraction and utilisation of the entire run-of-mines.
3. The regulatory environment will be improved to make it more conducive to investment and technology flows. Capital market structures will be developed to attract risk investment into survey and prospecting.
4. Transparency in allocation of concessions will be assured. Preference may be given to a value addition industry in grant of mineral concession. However, this will not in any way undermine the security of tenure to a holder of a concessionaire.
5. The development of a proper inventory of resources and reserves, a mining tenement registry and a mineral atlas will be given priority.
6. Enforcement of mining plans for adoption of proper mining methods and optimum utilisation of minerals will be ensured.
7. A framework of sustainable development will be designed which takes care of bio diversity issues and to ensure that mining activity takes place along with suitable measures for restoration of the ecological balance.
8. Special care will be taken to protect the interest of host and indigenous (tribal) populations through developing models of stakeholder interest based on international best practice.
9. Employment and tertiary sector spin-offs from both value addition as well as from mining will be encouraged so as to maximise the contribution of the mineral sector to the country's gross domestic product.
10. Innovative structures will be devised for developing and financing the infrastructure needs of the mining sector. While assistance through viability gap funding will be extended where required the principle of user charges and Private Public Participation will be the basis on which mining infrastructure will be built.
11. The revenues from minerals will be rationalised to ensure that the mineral bearing states get a

fair share of the value of the minerals extracted from their grounds.

12. A comprehensive institutional framework for Research & Development, and Training will be developed.

NATIONAL SPORTS POLICY

The National Sports Policy, 1984 was the first move towards developing an organised and systematic framework for the development and promotion of sports in the country, and the precursor of the present National Sports Policy, 2001.

The twin planks of the National Sports Policy (2001) are “Broad-basing of Sports” and “Achieving Excellence in Sports” at the national and international levels.

The salient features of the policy are as under:

1. Broad basing of sports and achievement of excellence.
2. Up-gradation and development of infrastructure.
3. Support to National Sports Federations and other sports bodies.
4. Strengthening of scientific and coaching support to sports.
5. Special incentives to promote sports.
6. Enhanced participation of women, scheduled tribes and rural youth.
7. Involvement of corporate sector in sports promotion.
8. Promote sports mindedness among the public at large.

The Draft Comprehensive National Sports Policy (2007) aims at building on previous sports policies with a view to accomplishing the unfinished agenda and addressing the emerging challenges of India in the 21st century. It aims at making the framework for sports in India more effective and inclusive with the full ownership and involvement of all stakeholders. The participant/athlete shall occupy centre-stage in the policy, with all other stakeholders playing a promotional, supportive and convergent role.

The policy has three broad objectives: (i) Sports for all, (ii) Excellence in sports and (iii) Contingent Constitutional, Legal and Institutional measures to operationalise the policy. These are explained below:

1. To provide universal access to sports and physical education for all classes of citizens, in all segments of society and across all age groups.
2. To provide for sports facilities in rural areas and urban areas through local institutions.
3. Universalise sports facilities in educational institutions, get physical education and sports made an integral part of the curriculum up to the higher secondary level.
4. Mass participation for sports culture and competitions by fostering a sports club culture, promoting sports competitions, linking youth development and sports, by advocating the benefits of sports.
5. Promotion of sports among young girls and women, sports for persons with disability, sports and physical exercise for senior citizens, National Physical Fitness Programme.
6. To achieve the highest levels of performance at the highest levels of international competition,

a well-formulated, target-oriented and need-based approach will be adopted.

7. Ensuring fair and reasonable opportunities to all talented young sportspersons, irrespective of economic background, social origin, gender or regional location, to fully realise their potential, and win laurels for themselves and glory for the nation.
8. Providing for a sufficient number of sports competitions at all levels, from the village/urban neighbourhood level through the block/district level to the state level, to create a culture of mass participation in competitive sports.
9. Strengthening scientific and technical support systems for high performance athletes.
10. Making available sufficient high-end facilities, including appropriate nutrition, and trained sports instructors and sports scientists/doctors.
11. Devising a scheme of sports pensions that rewards a wide spectrum of not only those who have secured international or national-level awards but also those who have represented the nation.
12. High priority must be accorded to capping, reversing and eventually ending the scourge of doping in Indian athletics and other sports.
13. Leveraging sports for national economic development by encouraging sports tourism, including adventure sports in the country.
14. There has been under consideration in Parliament since the Twelfth Lok Sabha a Bill aimed at transferring the subject of “sports” from the State List to the Concurrent List in the Seventh Schedule. It is, therefore, proposed to pursue in Parliament the need to shift the emphasis on sports from its present constitutional position.
15. A legislation under the residuary powers vested in the Union Government under Entry 97 of the Concurrent List may be considered for providing a legal framework for the Long-Term Development Plans.
16. To resolve disputes, a legislation is proposed to be introduced for establishing a Sports Regulatory Authority.
17. Thorough revamping of the Sports Authority of India and the Nehru Yuva Kendra Sangathan to match up to the additional responsibilities
18. National Sports Federations/IOA: Redefining their relationship with Government through the modalities, principles and criteria for negotiating and enforcing the conditionalities agreed upon in Long-term Development Plans.

NATIONAL POLICY ON SKILL DEVELOPMENT

The Government of India has set a target of skilling 500 million people by 2022. To this end, it formulated a National Policy on Skill Development in 2009. The vision of this policy is to empower all individuals through improved skills, knowledge, nationally and internationally recognised qualifications to gain access to decent employment and ensure India’s competitiveness in the global market.

The objectives of the policy are to:

1. Create opportunities for all to acquire skills throughout life, and especially for youth, women

- and disadvantaged groups.
2. Promote commitment by all stakeholders to own skill development initiatives.
 3. Develop a high-quality skilled workforce/entrepreneur relevant to current and emerging employment market needs.
 4. Enable the establishment of flexible delivery mechanisms that respond to the characteristics of a wide range of needs of stakeholders.
 5. Enable effective coordination between different ministries, the Centre and the States and public and private providers.

The coverage of the policy includes the following:

1. Institution-based skill development—including it is ITCs/vocational schools/technical schools/polytechnics/professional colleges, etc.
2. Learning initiatives of sectoral skill development organized by different ministries/departments.
3. Formal and informal apprenticeships and other types of training by enterprises.
4. Training for self-employment/entrepreneurial development.
5. Adult learning, retraining of retired or retiring employees and lifelong learning.
6. Non-formal training including training by civil society organisations.
7. E-learning, web-based learning and distance learning.

NATIONAL NUTRITION POLICY

A National Nutrition Policy was adopted in 1993. It advocates a multi-sectoral strategy for eradicating malnutrition and achieving optimum nutrition for all.

The policy advocates the monitoring the nutrition levels across the country and sensitizing government machinery on the need for good nutrition and prevention of malnutrition.

The policy also includes the Food and Nutrition Board, which develops posters, audio jungles and video spots for disseminating correct facts about breastfeeding and complementary feeding.

The policy has classified the nutritional problems of India as follows:

1. Under-nutrition resulting in:
 - (a) Protein Energy Malnutrition (PEM)
 - (b) Iron deficiency (Nutritional Anemia)
 - (c) Iodine deficiency disorder
 - (d) Vitamin “A” deficiency
 - (e) Low birth weight children
2. Seasonal dimensions of nutrition
3. Natural calamities & nutrition
4. Market distortion and disinformation
5. Urbanisation
6. Special nutritional problems of hill people, industrial workers, migrant workers, and other

special categories

7. Problems of overnutrition, overweight and obesity for a small section of urban population

The policy suggested the following instruments to deal with the nutritional problems of India:

A. Direct intervention — Short Term:

(i) Nutrition intervention for specially vulnerable groups:

- (a) Expanding the safety net
- (b) Reaching the adolescent girls
- (c) Ensuring better coverage of expectant women

(ii) Fortification of essential foods

(iii) Popularisation of low cost nutritious food

(iv) Control of micro-nutrient deficiencies amongst vulnerable groups

B. Indirect Policy Instruments — Long Term Institutional & Structural Changes:

(i) Food security

(ii) Improvement of dietary pattern through production and demonstration

(iii) Policies for effecting income transfers so as to improve the entitlement package of the rural and urban poor:

- (a) Improving the purchasing power
- (b) Public distribution system

(iv) Land reforms

(v) Health & family welfare

(vi) Basic health and nutrition knowledge

(vii) Prevention of food adulteration

(viii) Nutrition surveillance

(ix) Monitoring of nutrition programmes

(x) Research

(xi) Equal remuneration

(xii) Communication

(xiii) Minimum wage administration

(xiv) Community participation

(xv) Education & literacy

(xvi) Improvement of the status of women

NATIONAL LITIGATION POLICY

The Government has formulated the National Litigation Policy 2010, for conduct of litigation on its behalf.

The policy is aimed at reducing pendency of cases and puts checks on government litigation which form the bulk of pending cases.

The provisions / features / objectives of the policy are as follows:

1. The policy is based on the recognition that Government and its various agencies are the predominant litigants in courts and Tribunals in the country. Its aim is to transform Government into an “Efficient and Responsible” litigant. This policy is also based on the recognition that it is the responsibility of the Government to protect the rights of citizens, to respect fundamental rights and those in charge of the conduct of Government litigation should never forget this basic principle.

According to the policy, “Efficient Litigant” means:

- (a) Focusing on the core issues involved in the litigation and addressing them squarely.
- (b) Managing and conducting litigation in a cohesive, coordinated and time-bound manner.
- (c) Ensuring that good cases are won and bad cases are not needlessly persevered with.
- (d) A litigant who is represented by competent and sensitive legal persons: competent in their skills and sensitive to the facts that Government is not an ordinary litigant and that a litigation does not have to be won at any cost.

Similarly, as per the policy, “Responsible Litigant” means:

- (a) That litigation will not be resorted to for the sake of litigating.
 - (b) That false pleas and technical points will not be taken and shall be discouraged.
 - (c) Ensuring that the correct facts and all relevant documents will be placed before the court.
 - (d) That nothing will be suppressed from the court and there will be no attempt to mislead any court or Tribunal.
2. Government must cease to be a compulsive litigant. The philosophy that matters should be left to the courts for ultimate decision has to be discarded. The easy approach, “Let the court decide,” must be eschewed and condemned.
 3. The purpose underlying this policy is also to reduce Government litigation in courts so that valuable court time would be spent in resolving other pending cases so as to achieve the goal in the National Legal Mission to reduce average pendency time from fifteen years to three years. Litigators on behalf of Government have to keep in mind the principles incorporated in the National mission for judicial reforms which includes identifying bottlenecks which the Government and its agencies may be concerned with and also removing unnecessary Government cases. Prioritisation in litigation has to be achieved with particular emphasis on welfare legislation, social reform, weaker sections and senior citizens and other categories requiring assistance must be given utmost priority.
 4. Given that Tribunalisation is meant to remove the loads from Courts, challenge to orders of Tribunals should be an exception and not a matter of routine.
 5. In Service Matters, no appeal will be filed in cases where:
 - (a) the matter pertains to an individual grievance without any major repercussion;
 - (b) the matter pertains to a case of pension or retirement benefits without involving any principle and without setting any precedent or financial implications.
 6. Further, proceedings will not be filed in service matters merely because the order of the Administrative Tribunal affects a number of employees. Appeals will not be filed to espouse the cause of one section of employees against another.
 7. Proceedings will be filed challenging orders of Administrative Tribunals only if:

- (a) there is a clear error of record and the finding has been entered against the Government.
 - (b) the judgement of the Tribunal is contrary to a service rule or its interpretation by a High Court or the Supreme Court.
 - (c) the judgement would impact the working of the administration in terms of morale of the service, the Government is compelled to file a petition; or
 - (d) if the judgement will have recurring implications upon other cadres or if the judgement involves huge financial claims being made.
8. Appeals in Revenue matters will not be filed:
- (a) if the stakes are not high and are less than that amount to be fixed by the Revenue Authorities;
 - (b) if the matter is covered by a series of judgements of the Tribunal or of the High Courts which have held the field and which have not been challenged in the Supreme Court;
 - (c) where the assessee has acted in accordance with long-standing industry practice;
 - (d) merely because of change of opinion on the part of jurisdictional officers.
9. All pending cases involving Government will be reviewed. This Due Diligence process shall involve drawing upon statistics of all pending matters which shall be provided for by all Government departments (including PSUs). The Office of the Attorney General and the Solicitor General shall also be responsible for reviewing all pending cases and filtering frivolous and vexatious matters from the meritorious ones.
10. Cases will be grouped and categorised. The practice of grouping should be introduced whereby cases should be assigned a particular number of identity according to the subject and statute involved. In fact, further sub-grouping will also be attempted. To facilitate this process, standard forms must be devised which lawyers have to fill up at the time of filing of cases. Panels will be set up to implement categorisation, review such cases to identify cases which can be withdrawn. These include cases which are covered by decisions of courts and cases which are found without merit withdrawn. This must be done in a time bound fashion.

NATIONAL DATA SHARING AND ACCESSIBILITY POLICY

The objective of the National Data Sharing and Accessibility Policy–2012 (NDSAP-2012) is to facilitate access to Government of India owned shareable data and information in both human readable and machine readable forms through a network all over the country in a proactive and periodically updatable manner, within the framework of various related policies, Acts and Rules of the Government, therefore, permitting a wider accessibility and use of public data and information.

The policy is formulated to promote data sharing and enable access to Government of India owned data for national planning and development. It is designed so as to apply to all sharable non-sensitive data available either in digital or analog forms.

The policy will apply to all data and information created, generated, collected and achieved using public funds provided by Government of India directly or through authorised agencies by various Ministries/ Departments/Organisations/Agencies and Autonomous bodies.

The principles on which data sharing and accessibility need to be based include: Openness, Flexibility, Transparency, Quality, Security and machine-readable.

As per the policy, every department has to identify datasets by the following categories:

- (i) Negative List : The datasets, which are confidential in nature and would compromise to the county's security if made public, are put into this list.
- (ii) Open List: This list comprises of datasets which don't fall under negative list. These datasets shall be prioritised into high value datasets and non-high values datasets.

Different types of datasets generated both in geospatial and non-spatial form by Ministries/Departments shall be classified as shareable data and non-shareable data. The derived statistics like national accounts statistics, indicators like price index, databases from census and surveys are the types of data produced by a statistical mechanism. However, the geospatial data consists primarily of satellite data, maps, etc. In such a mechanism, it becomes important to maintain standards in respect of metadata, data layout and data access policy.

The benefits of the data sharing policy are as follows:

1. Maximising use: Ready access to government owned data will enable more extensive use of a valuable public resource for the benefit of the community.
2. Avoiding duplication: By sharing data the need or separate bodies to collect the same data will be avoided resulting in significant cost savings in data collection.
3. Maximised integration: By adopting common standards for the collection and transfer of data, integration of individual data sets may be feasible.
4. Ownership information: The identification of owners for the principal data sets provide information to users to identify those responsible for implementation of prioritised data collection programs and development of data standards.
5. Better decision-making: Data and information facilitates making important decisions without incurring repetitive costs. Ready access to existing valuable data is essential for many decision-making tasks such as protecting the environment, development planning, managing assets, improving living conditions, national security and controlling disasters.
6. Equity of access: A more open data transfer policy ensures better access to all bonafide users.

NATIONAL POLICY ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

The National Policy on Narcotic Drugs and Psychotropic Substances (NDPS) of 2012 attempts to curb the menace of drug abuse and contains provisions for treatment, rehabilitation and social re-integration of victims of drug abuse. The implementation of the provisions of the policy will lead to reduction of crime, improvement in public health and uplifting of the social milieu.

The policy will serve as a guide to various Ministries and organisations and re-assert India's commitment to combat the drug menace in a holistic manner.

The salient features of the policy are as follows:

1. The policy recommends production of Concentrate of Poppy Straw (CPS) in India by a company or body corporate. This would enable India to retain its status of a traditional supplier of Opiate Raw Material (ORM) to the rest of world, while remaining competitive.
2. The consumption of poppy straw by addicts will be gradually reduced and finally stopped in a

time frame decided by the States.

3. On the illicit cultivation of poppy and cannabis, the policy emphasizes use of satellite imageries for detection of illicit crop and its subsequent eradication and development of alternate means of livelihood in respect of cultivators in pockets of traditional illicit cultivation.
4. The private sector may be allowed production of alkaloids from opium. At present alkaloids from opium are produced only in Government Opium and Alkaloid Factories (GOAFs).
5. Non-intrusive methods of regulating the manufacture, trade and use of such psychotropic substances will be introduced.
6. Emphasis will be laid on adequate access to morphine and other opioids necessary for palliative care, a strategy to address street peddlers of drugs, periodic surveys of drug abuse to gauge the extent, pattern and nature of drug abuse in the country, recognition of de-addiction centers.
7. There will be a time bound plan of action, detailing the steps to be taken by different Ministries/ Departments/agencies, in response to the recommendations of the International Narcotics Control Board.

Narcotic Drugs and Psychotropic Substances have several medical and scientific uses. However, they can be and are also abused and trafficked. India's approach towards Narcotic Drugs and Psychotropic Substances is enshrined in Article 47 of the Constitution of India which mandates that the 'State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health'. The same principle of preventing use of drugs except for medicinal use was also adopted in the three international conventions on drug related matters, viz., Single Convention on Narcotic Drugs, 1961, Convention on Psychotropic Substances, 1971 and the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988. India has signed and ratified these three conventions. India's commitment to prevention of drug abuse and trafficking predates the coming into force of the three conventions.

The Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 was framed taking into account India's obligations under the three UN drug conventions as well as Article 47 of the Constitution mentioned above. This Act prohibits, except for medical or scientific purposes, the manufacture, production, trade, use, etc. of narcotic drugs and psychotropic substances.

The Government's policy has thus been to promote their use for medical and scientific purposes while preventing their diversion from licit sources, and prohibiting illicit traffic and abuse. Unlike the earlier Opium Acts and the Dangerous Drugs Act which it replaced, the NDPS Act has given the power of enforcement to various central and state law enforcement agencies, thus spreading the net of law enforcement far and wide.

Table 2.3 National Policies and Related Ministries

<i>Name of the Policy</i>	<i>Related Ministry / Department</i>
1. National Policy on Skill Development	Ministry of Labour & Employment
2. National Policy on Resettlement and Rehabilitation	Ministry of Rural Development (Department of Land Resources)

3.	National Youth Policy	Ministry of Youth Affairs and Sports (Department of Youth Affairs)
4.	National Policy on Voluntary Organisations	Planning Commission
5.	National Policy for Empowerment of Women	Ministry of Women and Child Development
6.	National Policy for Children	Ministry of Women and Child Development
7.	National Policy for Persons with Disabilities	Ministry of Social Justice & Empowerment (Department of Disability Affairs)
8.	National Policy for Older Persons	Ministry of Social Justice & Empowerment (Department of Social Justice & Empowerment)
9.	National Policy on Education	Ministry of Human Resource Development
10.	National Policy on Child Labour	Ministry of Labour & Employment
11.	National Policy on Disaster Management	Ministry of Home Affairs
12.	National Tribal Policy	Ministry of Tribal Affairs
13.	National Policy on Open Standards for E-Governance	Ministry of Communications & Information Technology (Department of Electronics & Information Technology)
14.	National Sports Policy	Ministry of Youth Affairs and Sports (Department of Sports)
15.	National Nutrition Policy	Ministry of Women and Child Development
16.	National Litigation Policy	Ministry of Law & Justice (Department of Legal Affairs)
17.	National Policy on Narcotic Drugs and Psychotropic Substances	Ministry of Finance (Department of Revenue)
18.	National Data Sharing and Accessibility Policy	Ministry of Science & Technology (Department of Science & Technology)
19.	National Mineral Policy	Ministry of Mines
20.	Science, Technology and Innovation Policy	Ministry of Science & Technology (Department of Science & Technology)
21.	National Policy on Information Technology	Ministry of Communications and Information Technology (Department of Electronics & Information Technology)
22.	National Bio-fuel Policy	Ministry of New & Renewable Energy
23.	National Environment Policy	Ministry of Environment & Forests
24.	National Policy for Farmers	Ministry of Agriculture (Department of Agriculture & Cooperation)
25.	National Agriculture Policy	Ministry of Agriculture (Department of Agriculture & Cooperation)
26.	National Water Policy	Ministry of Water Resources
27.	National Telecom Policy	Ministry of Communications & Information Technology (Department of Telecommunications)
28.	National Manufacturing Policy	Ministry of Commerce & Industry

		(Department of Industrial Policy & Promotion)
29.	National Urban Sanitation Policy	Ministry of Urban Development
30.	National Urban Housing & Habitat Policy	Ministry of Housing & Urban Poverty Alleviation
31.	National Policy on Urban Street Vendors	Ministry of Housing & Urban Poverty Alleviation
32.	National Health Research Policy	Ministry of Health & Family Welfare (Department of Health Research)
33.	National Health Policy	Ministry of Health & Family Welfare (Department of Health & Family Welfare)
34.	National Population Policy	Ministry of Health & Family Welfare (Department of Health & Family Welfare)

CENTRAL SECRETARIAT

Meaning

The Central Secretariat comprises of all the ministers and departments of the Central Government. In other words, Central Government, for the purpose of administration, is divided into various ministries and departments. The Central Secretariat is a totality of such ministries and departments. A ministry generally consists of two to four departments. However, there can be a ministry without being divided into departments, like Ministry of External Affairs. Similarly, there can be a department without being placed under a ministry, like Department of Atomic Energy. The ministries and departments are headed politically by ministers and administratively by Secretaries.

Article 77 of the Constitution of India authorises the President of India to make rules for more convenient transaction of business of Central Government and for allocation of such business among the ministers. This is the basis of portfolio system, the essence of which is that a minister is made incharge of ministry/department and he is to issue orders on behalf of the President. Therefore, the concept of a ministry/department originate from portfolio system. The ministries/departments enumerated in the Allocation of Business Rules are collectively known as the Central Secretariat. At present, the ministries/departments of Central Government are governed by the Government of India (Allocation of Business) Rules, 1961.

Historical Perspective

The institution of Central Secretariat originated and developed in modern India during the period of British rule. The following points can be noted in this regard:

- (i) In 1843, the Governor-General of India separated the Secretariat of the Government of India from that of the government of Bengal. Accordingly, four departments, namely, home, finance, military and foreign were set up in the Central Secretariat.
- (ii) In 1859, the portfolio system was introduced by Lord Canning. Consequently, a member of the Governor-General's Council was made incharge of one or more departments of the Central Secretariat and was authorised to issue orders on behalf of the Council.
- (iii) In 1905, the tenure system of secretariat staffing was introduced by Lord Curzon.
- (iv) In 1905, the Railway Board was set up by a resolution of the Government of India. Consequently, the control of railways was transferred to it from the Public Works Department.

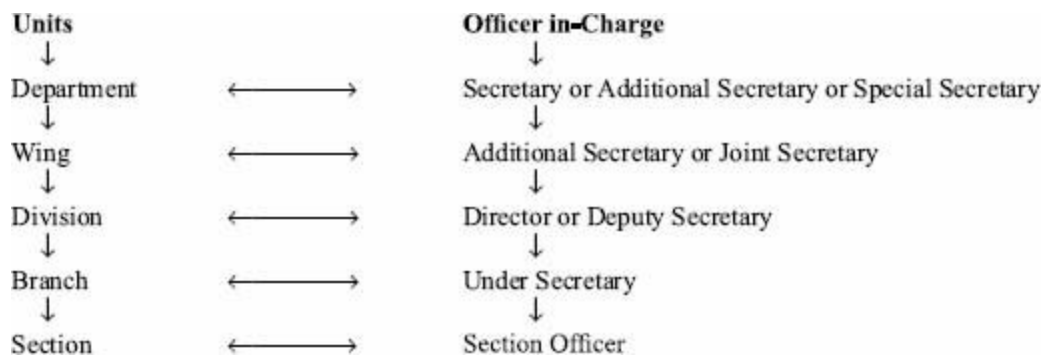
- (v) In 1947, the departments of the Government of India were renamed 'ministries'. In all, there were 18 such ministries in the Central Secretariat at that time.

Structure of a Ministry

A typical Ministry of the Central Government has a three-tier structure consisting of (i) a political head, that is, a Cabinet minister, who is assisted by minister of state and deputy minister. But sometimes a minister of state may also be the political head of a ministry/department holding an independent charge; (ii) secretariat organisation headed by a Secretary who is a career civil servant. He is assisted by Joint-Secretaries, Deputy Secretaries, Under Secretaries and the office establishment. Thus, a secretariat organisation has two distinct components—the officers and the office establishment. Thus, a secretariat organisation has two distinct components—the officers and the office establishment, corresponding to the directing and controlling staff, and to the executive and clerical staff respectively; and (iii) executive organisation under a head of the department who is known by various designations like Director, Director-General, Commissioner, Inspector-General, Chief Controller, and so on.

Secretariat Organisation

The following chart indicates the structure and the hierarchy of officials of the Secretariat organisation of a ministry.



A ministry is primarily divided into departments. Each department is divided into wings. Each wing is in turn divided into divisions which are further divided into branches. And Finally, each branch is divided into sections. A section (also known as office) is the lowest as well as the smallest organisational unit of a ministry/department.

The Split System

The Secretariat system in India is based on the principle of separation of policy-making function from that of policy execution. Under this scheme of separation, that is, the split system, the Secretariat should be concerned only with policy-making and hence, should not indulge itself in process of policy execution. The task of policy-execution should be left to executive agencies which are located outside the Secretariat organisation.

The *advantages* of the split system are:

- (i) It helps Secretariat officials (i.e. policy makers) plan keeping in view aggregate national

interests, goals and requirements. This is because they are freed from the responsibilities of day-to-day administration.

- (ii) It enables the Secretary to examine objectively proposals emanating from executive agencies keeping in view broader point of view of the government as a whole. This is because, the Secretary is secretary to the government as a whole, not to his minister alone.
- (iii) It provides operational freedom to executive agencies in the execution of policies. This is because Secretariat, under the split system, is not supposed to interfere in the task of policy-implementation and has to be solely concerned with policy making. Hence, it encourages specialisation and delegation of authority and avoids over-centralisation.
- (iv) It results in keeping the Secretariat smaller and manageable in size due to division of work between two separate agencies.
- (v) Programme implementation in the field can be evaluated objectively by Secretariat officials. This responsibility cannot be assigned to executive agencies which implement programmes.

In this respect, the Indian Secretariat model differs from the British Whitehall model. In Britain, a ministry is responsible for both, policy-making as well as policy execution. In the words of Avasthi and Avasthi, “The Secretariat in India may be said to be *sui generis*. While it may have adopted Whitehall in Britain as its model, it never became a real counterpart of the British Secretariat. While in India there obtain two sets of parallel hierarchies, one in the Secretariat and the other under the heads of executive departments, no such distinction is found in Britain where a ministry is an integrated agency including within itself both policy formulating and executing agencies.” On the other hand, Indian Secretariat System is similar to the Swedish system. In the words of S.R.Maheshwari, “In this respect India and Sweden might be held to be comparable: Sweden has two separate and quite distinct sets of organisations, one for policy-making and another charged with the responsibility for implementation of the policies”.

Role and Functions

The Secretariat is a staff agency. Its function is to aid and assist the Government of India in fulfilment of its responsibilities and duties. It enables the Government to examine its present activities, emerging problems and future policies in the light of past activities and precedents by acting as an institutionalised memory, that is, a think-tank and treasure house of information. It also carries out a detailed, in-depth and comprehensive examination and verification of an issue before the ministerial (governmental) decisions.

According to official handbooks, Secretariat performs following functions with regard to the ministries/departments.

- (i) Assisting the minister in policy-making and in modifying policies from time to time, as and when necessary;
- (ii) Framing legislation and rules and regulations;
- (iii) Sectoral planning and programme formulation;
- (iv) (a) Budgeting and control of expenditure in respect of activities of the ministry/department; and (b) according or securing administrative and financial approval to operational programmes and plans and their subsequent modifications;
- (v) Supervision and control over the execution of policies and programmes by executive

departments or semi-autonomous field agencies, and evaluation of the results;

- (vi) Coordination and interpretation of policies, assisting other branches of government and maintaining contact with state administrations;
- (vii) Initiating measures to develop greater personnel and organisational competence both in the ministry/department and its executive agencies; and
- (viii) Assisting a minister in discharging his parliamentary responsibilities.

Tenure System

As defined by S.R. Maheshwari, “the superior positions in the Secretariat are as a rule managed by officers who come from the states (and also from certain Central services) for a specified period and who, after serving their ‘tenure’ would (or should), revert to their respective states or services. In official parlance, this arrangement is known as the tenure system.” Thus, under tenure system of staffing, every official so deputed has to work in the Central Secretariat for a fixed period, which differs from one grade to another in the Secretariat hierarchy as mentioned below.

(i) Secretary and Joint-Secretary	5 years
(ii) Deputy Secretary	4 years
(iii) Under Secretary	3 years

The tenure system was introduced in India in 1905 by Lord Curzon, the then Governor-General of India. He believed that “India may be governed from Simla or Calcutta; but is administered from the plains.” The tenure system originated from such a belief of Lord Curzon who came to be regarded as the “father of tenure system.”

The following committees and commissions appointed during the British rule supported the tenure system.

- (i) Llewellyn Smith Committee (1919)—Report of the Government of India Secretariat Procedure Committee.
- (ii) Simon Commission (1930)—Report of the Indian Statutory Commission.
- (iii) Wheeler Committee (1936)—Report of the Government of India Secretariat Committee
- (iv) Maxwell Committee (1937)—Report on organisation and procedure.
- (v) Rowlands Committee (1944—45)—Report of the Bengal Administration Enquiry Committee.

The ARC Study Team on personnel administration (1967) also supported the tenure system of staffing in Central Secretariat (as well as in state secretariats).

The following arguments are put forward in favour of the tenure system.

- (i) It facilitates administrative coordination between the Centre and states. Thus, it strengthens the functioning of Indian federal polity.
- (ii) It facilitates appointment in the Central Secretariat of officers who have first hand experience in field administration (or district administration).
- (iii) It provides state governments officers having national perspective and rich experience.
- (iv) It provides equal opportunities to all the officers who are entitled to a spell of stay at the Secretariat.

- (v) It secures administrative unity of the nation as well as independence of civil service.
- (vi) It facilitates the formulation of realistic national policies, which will have less difficulties in the implementation in the field. This is because, it keeps the secretariat officials in touch with the actual facts of administration.
- (vii) It removes the possibility of officers becoming stale due to their long stay at the secretariat. It provides them with an opportunity of working in a different atmosphere which can bring freshness to their outlook.
- (viii) It enables all the officers to enjoy the special benefits of secretariat posting and thereby improves the morale in the civil service.
- (ix) It provides the required flexibility in the personnel management of the secretariat by enabling it to get rid of inefficient and incompetent officials in an easy manner.

However, the critics have put forth the following arguments against the tenure system:

- (i) It results in ‘office-dominated administration’ and ‘over-bureaucratisation’ of the secretariat. A new officer posted at the secretariat depends too much on permanent office establishment to get things done.
- (ii) It does not ensure specialisation as it is essentially based on the myth of the higher caliber of the generalist administrator. On the other hand, the work in the ministries and departments is fastly becoming specialized.
- (iii) Its main thrust—district or field experience—is not necessary and relevant in many areas of secretariat work.

Notably, the tenure system was never prevalent in all the ministries and departments of the Central government. Even during the British era, the following four departments were excluded from the purview of the tenure system: (a) Indian Audit and Accounts Department; (b) Customs and Income-Tax Department; (c) Foreign and Political Department; and (d) Posts and Telegraphs Department.

Today, the tenure system is not as strong as it used to be before Independence. The following factors have contributed to the weakening and breaking down of the tenure system.

- (i) A large number of posts of Under and Deputy Secretaries are today manned by members of the Central Secretariat Service. Thus, the creation of this service in 1948 gave rise to a separate cadre of permanent Secretariat officers. At present, the Central Secretariat Service comprises of the following five grades: (a) Senior Selection Grade (Director); (b) Selection Grade (Deputy Secretary); (c) Grade-I (Under Secretary); (d) Section Officer’s Grade; and (e) Assistant’s Grade. The Department of Personnel and Training of the Ministry of Personnel is the cadre controlling authority in respect of this service.
- (ii) The specialist members of the Indian Economic Service and the Indian Statistical Service (Created in 1961 as the specialist Central services—Class I) who are posted in large numbers in the Central Secretariat are not subject to tenure system, that is, rotation between the field and headquarter (Secretariat).
- (iii) The creation of the Finance-Commerce pool in 1938 (discontinued in 1946) and the Central administrative pool in 1957 have modified the tenure system. The latter consists of officers drawn from (a) the Indian Administrative Service (IAS), (b) Central Services-Class I, (c) Central Secretariat Service—Class I and (d) State Services—Class I. It was established as a reserve for manning posts of and above the grade of Deputy Secretary in Central Secretariat.

It has both, general purpose and specialised categories of posts in it. The pool is managed and controlled by the Ministry of Personnel.

- (iv) The officers who come to Central Secretariat on deputation under tenure system do not go back to their parent departments or state governments due to the advantages of Secretariat postings like high salary, capital city amenities, nearness to power centre and so on.
- (v) The states are not always enthusiastic about sharing their best officers with Central Government. Such reluctance on the part of state governments has affected the even flow of officers between the Secretariat and the field.
- (vi) The tenure system came into existence when India was a unitary state. But after the Independence, unitary system was replaced by a federal system. As rightly observed by Avasthi and Avasthi, “The tenure system does not fit quite well in a federal polity with autonomous states. Amateur ministers at both, the Central and the state levels need services of permanent advisors in the Secretariat; mere ‘birds of passage’ will not do.”

Secretariat Officials

The present grading of Secretariat officials is as follows.

- Secretary
- Additional Secretary
- Joint Secretary
- Director
- Deputy Secretary
- Under Secretary

The first three grades constitute the ‘top management,’ while the last three grades constitute the “middle management”. All these officials function on the principle of ‘filter,’ that is, each officer disposes of work at his level and submits important cases to the higher level. Moreover, all these grades of officials perform their duties keeping in view the interest of the Government of India as a whole. That is why a Secretary is designated as the Secretary to the Government of India, and not to his minister/ministry alone.

Secretary A Secretary has following roles.

- (i) He is administrative head of the Ministry/Department. His responsibility in this regard is complete and undivided.
- (ii) He is chief advisor to the minister on all aspects of policy and administrative affairs.
- (iii) He represents his ministry/department before the Public Accounts Committee of the Parliament.

Additional/Joint Secretary An Additional Secretary is in charge of either a department or a wing of a department. A Joint Secretary, on the other hand, is always in charge of a wing of a department. The rank and pay of a Joint Secretary is lower than that of an Additional Secretary who is senior to the former. However there is not much distinction in their functions except when an Additional Secretary is in charge of a department. Richard Tottenham Report on the Reorganisation of Central Government (1945) stated that, “Additional and Joint Secretaries should not be either cheap

Secretaries or expensive Deputy Secretaries.”

Director/Deputy Secretary The post of Director was created in 1960. As observed by S.R. Maheshwari, “There is not much Difference between the responsibilities of a Director and a Deputy secretary, nor is a Deputy Secretary placed under a director.” But the rank and pay of a Director is higher than that of a Deputy Secretary.

A Deputy Secretary acts on behalf of the Secretary and is in charge of a division. He himself usually disposes of maximum cases and seeks instructions from Joint/Additional Secretaries or Secretary of the department only on important cases.

Under Secretary He is in charge of a branch and hence, is also called a ‘Branch Officer.’ He usually initiates action on all inward communications. He disposes minor cases on his own and submits only important cases to the Deputy Secretary.

Before Independence, there was another grade called Assistant Secretary below an Under Secretary. This post was abolished on the recommendation of the Maxwell Committee Report of 1937.

Officer on Special Duty (OSD) An Officer on Special Duty is usually appointed from among the existing officials to handle work which is urgent and which needs full concentration. It is basically a temporary post, created to meet a specific exigency, and the duties and functions performed by an OSD are of a special nature. However, the status of an OSD is not fixed and it may vary from that of a Secretary to an Under Secretary. In some cases, a section officer is also appointed as an OSD.

The post of OSD in India is a British legacy. It has the following merits:

- (i) It permits better co-ordination of the work.
- (ii) It facilitates expeditious execution of the decision and completion of the work.

The bodies (agencies) which make the selection of the officers of different grades in the Central Secretariat are mentioned below in [Table 3.1](#).

Table 3.1 Selection of Secretariat Officials

	<i>Posts</i>	<i>Selection Made By</i>
(i)	Secretary/Additional Secretary	Cabinet Secretary
(ii)	Joint Secretary	Senior Selection Board (Presided over by the Cabinet Secretary).
(iii)	Director/Deputy Secretary/Under Secretary	Central Establishment Board (presided over by the Secretary of the Ministry of Personnel).

The final decision in all the three cases is taken by the Appointments Committee of the Cabinet which is headed by the Prime Minister.

Office Staff

In addition to the officers component, the Secretariat has an office component. The office component of Secretariat consists of the following personnel.

- Section Officer (Superintendent)

- Assistant Section Officers
- Upper Division Clerks
- Lower Division Clerks
- Steno-typists and Typists
- Manual Workers.

A Section Officer is the head of office (or a section) and acts as a link between the Under Secretary and the entire staff of the Section. His major job is to supervise the work of staff in his section. He is the first line supervisor in the hierarchy of Secretariat personnel.

The staff of the office component of Secretariat is drawn from the following two services.

1. The Central Secretariat Stenographers Service, which consists of the five grades, namely (i) Senior Principal Private Secretary Grade, (ii) Private Secretary Grade (Principal Private Secretary), (iii) Grade A and B (Merged) (Private Secretary), (iv) Grade C (Personal Assistant) and Grade D (Stenographer).
2. The Central Secretariat Clerical Service, which consists of the two grades, namely (i) Upper Division Grade (UDC), and (ii) Lower Division Grade (LDC).

The Department of Personnel and Training of the Ministry of Personnel is the cadre controlling authority in respect of these two services.

Since 1976, the Staff Selection Commission has been organising competitive examinations to directly recruit lower division clerks. The posts of Upper Division Clerks are filled by indirect recruitment, that is, by promoting Lower Division Clerks. The posts of Assistant Section Officers and Section Officers are filled partly by direct recruitment through a competitive examination and partly through promotion of respective subordinate personnel.

Desk Officer System

In 1973, the procedure of work in ministries/departments of Central Government was changed due to the introduction of desk officer system. This was done on the recommendation of Deshmukh Study Team of the Administrative Reforms Commission. This system was adopted from the British Whitehall system.

In this innovative system, work of a ministry at the lowest level is organised into distinct functional desks. Each desk is manned by a team of two functionaries—an Under Secretary and a Section Officer, or a Section Officer and an Assistant Section Officer, or two Section Officers. Each functionary is known as a desk officer and is provided with clerical/stenographic assistance. The desk officer disposes of the cases himself and submits important cases related to policy matters to the higher level for disposal.

The advantages of desk officer system are:

- (i) It facilitates speedy disposal of cases in general, as well as due to level jumping.
- (ii) It avoids examination of a case at the clerical level.
- (iii) It eliminates dilatoriness in the Secretariat functioning.
- (iv) It reduces expenditure.
- (v) It makes the work qualitative as the initial examination of cases is done at the officer's level.

Meaning

As mentioned above, a ministry of the Government of India has executive organisations, in addition to the political head and the Secretariat organisation headed by a Secretary. These executive organisations are engaged in the implementation of policies formulated by the Secretariat organisation. They work below and under the Secretariat and are headed by an executive head (head of the department) known by various designations like Director, Director-General, Controller, Chief-Controller, Inspector-General, Commissioner, Registrar-General, and so on.

Tottenham in his Report on the Reorganisation of the Central Government (1945–46) stated: “The function of the member (minister) is to decide policy, of the Secretary to provide the material on which to reach such decisions, and of the executive head to carry the decisions into effect. On the analogy of the human machine, the member (minister) would represent the will, the Secretary the brain and the executive head the hands.”

Functions

The two popular forms of executive agencies are Attached Office and Subordinate Office. The manual of office procedure defines these offices as follows: “Where the execution of the policies of Government requires decentralisation of executive direction and the establishment of field agencies, a ministry has under it subsidiary offices. The Attached Offices are responsible for providing executive direction required in the implementation of policies laid down by the ministry to which they are attached. They also serve as repository of technical information and advice to the ministry on technical aspects of questions dealt with by them. The subordinate offices function as field establishments or as agencies responsible for the detailed execution of decisions of government. They generally function under the direction of an Attached Office, or in cases where the volume of the execution direction involved is not considerable, directly under a ministry.”

However, the Tottenham Committee (1945–46) and the First Pay Commission (Vardhachariar–1946–47) found the distinction between the Attached Office and the Subordinate Office as unsatisfactory and artificial and hence suggested the abolition of distinction between the two categories of offices.

Patterns of Relationship

A proper relationship between secretariat and executive agencies is very essential for the effective formulation and implementation of policies and programmes. To smoothen the relationship between these two entities, six principal types of arrangements have been made. These are explained below:

1. Complete Separation Pattern Under this pattern, there is a complete separation between the secretariat and its executive agencies. Both have distinct and separate offices and files of their own. This is the most prevalent pattern and is based on the policy-administration separation (split system), staff-line dichotomy and generalist-specialist dichotomy.

- 2. Complete Merger Pattern** Under this pattern, there is a cent-percent merger between the secretariat and its executive agencies. This total integration model is used only in special cases.
- 3. Link Officer Pattern** Under this pattern, a Senior Secretariat Officer is concurrently appointed as head of the executive agency. Thus, the link officer will have a dual role, that is, policy formulation as well as policy implementation.
- 4. Ex-Officio Secretariat Status Pattern** Under this pattern, the head of the executive agency is accorded with an appropriate ex-officio secretariat status. He is given authority to take decisions on certain matters independently. He will have closer involvement in policy-formulation.
- 5. Common Office Pattern** Under this pattern, the secretariat and the executive agency have a common office, common files, and a common file bureau. This common office serves both, the officers of the secretariat as well as those of the executive agency. The Estimates Committee and the Second Pay Commission recommended this pattern.
- 6. Common File Pattern** Under this system, the Secretariat and the executive agency have separate offices but common files and a single file bureau. The Rowlands Committee (Bengal Administration Enquiry Committee) of 1944–45 recommended this pattern.

MINISTRIES AND DEPARTMENTS

Allocation of Business among Ministries

The Government of India (Allocation of Business) Rules, 1961 are made by the President of India under Article 77 of the Constitution for the allocation of business of the Government of India. The Ministries / Departments of the Government are created by the President on the advice of the Prime Minister under these rules. The business of the Government are transacted in the Ministries / Departments as per the distribution of subjects specified in these rules. Each of the Ministries is assigned to a Minister by the President on the advice of the Prime Minister. Each department is generally under the charge of a Secretary to assist the Minister on policy matters and general administration.

The cabinet secretariat is responsible for the administration of the Government of India (Transaction of Business) Rules, 1961 and the Government of India (Allocation of Business) Rules, 1961.

The First Schedule to the Government of India (Allocation of Business) Rules, 1961, specifies the list of Ministries, Departments, Secretariats and Offices (referred to as ‘Departments’); while the Second Schedule to the Rules specifies the distribution of subjects among the Departments.

Reasons for Increase in Ministries

On 15 August, 1947, the Central Government had 18 Ministries. Since then, their number has been on the increase due to the following reasons:

- (i) Increase in the workload of the government

- (ii) Increase in the complexity of work dealt with by the government
- (iii) Increased role of science and technology in administration
- (iv) Increased number of aspirants to ministerial offices
- (v) Emergence of coalition governments and so on

List of Ministries / Departments (2014)

As on 26 June, 2014, the Central Government consisted of the following ministries / departments under the Government of India (Allocation of Business) Rules, 1961 (as amended from time-to-time):

1. Ministry of Agriculture
 - (i) Department of Agriculture and Cooperation
 - (ii) Department of Agricultural Research and Education
 - (iii) Department of Animal Husbandry, Dairying and Fisheries
2. Ministry of Chemicals & Fertilizers
 - (i) Department of Chemicals and Petro-Chemicals
 - (ii) Department of Fertilizers
 - (iii) Department of Pharmaceuticals
3. Ministry of Civil Aviation
4. Ministry of Coal
5. Ministry of Commerce and Industry
 - (i) Department of Commerce
 - (ii) Department of Industrial Policy and Promotion
6. Ministry of Communications and Information Technology
 - (i) Department of Telecommunications
 - (ii) Department of Posts
 - (iii) Department of Electronics and Information Technology
7. Ministry of Consumer Affairs, Food and Public Distribution
 - (i) Department of Consumer Affairs
 - (ii) Department of Food and Public Distribution
8. Ministry of Corporate Affairs
9. Ministry of Culture
10. Ministry of Defence
 - (i) Department of Defence
 - (ii) Department of Defence Production
 - (iii) Department of Defence Research and Development
 - (iv) Department of Ex-Servicemen Welfare
11. Ministry of Development of North Eastern Region
12. Ministry of Drinking Water and Sanitation
13. Ministry of Earth Sciences

14. Ministry of Environment and Forests
15. Ministry of External Affairs
16. Ministry of Finance
 - (i) Department of Economic Affairs
 - (ii) Department of Expenditure
 - (iii) Department of Revenue
 - (iv) Department of Disinvestment
 - (v) Department of Financial Services
17. Ministry of Food Processing Industries
18. Ministry of Health and Family Welfare
 - (i) Department of Health and Family Welfare
 - (ii) Department of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homoeopathy (AYUSH)
 - (iii) Department of Health Research
 - (iv) Department of AIDS Control
19. Ministry of Heavy Industries and Public Enterprises
 - (i) Department of Heavy Industries
 - (ii) Department of Public Enterprises
20. Ministry of Home Affairs
 - (i) Department of Internal Security
 - (ii) Department of States
 - (iii) Department of Official Language
 - (iv) Department of Home
 - (v) Department of Jammu and Kashmir Affairs
 - (vi) Department of Border Management
21. Ministry of Human Resource Development
 - (i) Department of School Education and Literacy
 - (ii) Department of Higher Education
22. Ministry of Information and Broadcasting
23. Ministry of Labour and Employment
24. Ministry of Law and Justice
 - (i) Department of Legal Affairs
 - (ii) Legislative Department
 - (iii) Department of Justice
25. Ministry of Micro, Small and Medium Enterprises
26. Ministry of Mines
27. Ministry of Minority Affairs
28. Ministry of New and Renewable Energy
29. Ministry of Overseas Indian Affairs

30. Ministry of Panchayati Raj
31. Ministry of Parliamentary Affairs
32. Ministry of Personnel, Public Grievances and Pensions
 - (i) Department of Personnel and Training
 - (ii) Department of Administrative Reforms and Public Grievances
 - (iii) Department of Pensions and Pensioners' Welfare
33. Ministry of Petroleum and Natural Gas
34. Ministry of Planning
35. Ministry of Power
36. Ministry of Railways
37. Ministry of Road Transport and Highways
38. Ministry of Rural Development
 - (i) Department of Rural Development
 - (ii) Department of Land Resources
39. Ministry of Science and Technology
 - (i) Department of Science and Technology
 - (ii) Department of Scientific and Industrial Research
 - (iii) Department of Bio-Technology
40. Ministry of Shipping
41. Ministry of Social Justice and Empowerment
 - (i) Department of Social Justice and Empowerment
 - (ii) Department of Disability Affairs
42. Ministry of Statistics and Programme Implementation
43. Ministry of Steel
44. Ministry of Textiles
45. Ministry of Tourism
46. Ministry of Tribal Affairs
47. Ministry of Urban Development
48. Ministry of Housing and Urban Poverty Alleviation
49. Ministry of Water Resources
50. Ministry of Women and Child Development
51. Ministry of Youth Affairs and Sports
 - (i) Department of Youth Affairs
 - (ii) Department of Sports
52. Department of Atomic Energy
53. Department of Space
54. Cabinet Secretariat
55. President's Secretariat

56. Prime Minister's Office

57. Planning Commission

CABINET SECRETARIAT

Meaning

The constitution of India provided for a Parliamentary system of government with Cabinet as the real executive. The Cabinet headed by the Prime Minister is responsible for the entire administration of the Government of India (i.e. Central administration). In this task, the Cabinet is assisted by the Cabinet Secretariat.

Thus, the Cabinet Secretariat is a staff agency to the Union Cabinet. It operates under the direction and leadership of the Prime Minister of India. It has an important coordinating role in the process of policy-making at the highest level in the Central Government.

The Cabinet Secretariat enjoys the status of a department of the Government of India under the Allocation of Business Rules, 1961. It is headed politically, by the Prime Minister and administratively, by the Cabinet Secretary.

The Cabinet Secretariat came into existence in 1947 by replacing the Secretariat of the Governor-General's Executive Council.

Organisation

The Cabinet Secretariat has three wings—Civil Wing, Military Wing and Intelligence Wing. The civil wing is the main wing and provides aid, advise and assistance to the Union Cabinet. The military wing provides secretarial assistance to the Defence Committee of the Cabinet, the Military Affairs Committee, the National Defence Council and other committees dealing with defence matters. The intelligence wing deals with matters pertaining to the Joint Intelligence Committee of the Union Cabinet.

Besides the main secretariat, the cabinet secretariat comprises of the following organisations:

- (i) Research and Analysis Wing (RAW)
- (ii) Director General of Security
- (iii) Special Protection Group
- (iv) Joint Intelligence Committee
- (v) Directorate of Public Grievances

In 1997, the National Authority, Chemical Weapons Convention was set up by a resolution of the cabinet secretariat. It is under the administrative control of the cabinet secretariat.

In 1988, the Directorate of Public Grievances was set up as an organ of the Cabinet Secretariat. It is headed by a Director having the rank of a Secretary to the Government of India.

Below and under the Cabinet Secretary, there are a large number of other secretaries to assist him in the discharge of his functions and responsibilities. These secretaries belong to various ranks ranging from Secretary to an Under Secretary. In addition, the Cabinet Secretariat has subject related advisors to the Prime Minister.

Functions

The following functions are performed by the Cabinet Secretariat.

- (i) It prepares agenda for meetings of the Cabinet and provides necessary information and material for its deliberations.
- (ii) It keeps a record of the discussions and decisions of the Cabinet and Cabinet Committees and circulates them to all the concerned ministries.
- (iii) It provides secretarial assistance to the Cabinet Committees.
- (iv) It keeps the President, Vice-President and all the Central Ministries informed of the main activities of the Central Government.
- (v) It prepares and finalises the rules of business of the government and allots the business of the Government among Ministries/departments of the Union Government with the President's approval.
- (vi) It functions as the chief coordinating agency in the Central Government. In this respect, it settles disputes between the ministries.
- (vii) It watches the implementation of Cabinet decisions by the concerned ministries/departments and other executive agencies.
- (viii) It handles the work pertaining to appointment and resignation of ministers, allotment of portfolios to the ministers, and organisation and re-organisation of ministries.

Role

The Cabinet Secretariat is under the direct charge of the Prime Minister. The administrative head of the Secretariat is the Cabinet Secretary who is also the ex-officio Chairman of the Civil Services Board.

In the Government of India (Allocation of Business) Rules, 1961 "Cabinet Secretariat" finds a place in the First Schedule to the Rules. The subjects allotted to this Secretariat are:

- (i) Secretarial assistance to Cabinet and Cabinet Committees
- (ii) Rules of Business

The Cabinet Secretariat is responsible for the administration of the Government of India (Transaction of Business) Rules, 1961 and the Government of India (Allocation of Business) Rules 1961, facilitating smooth transaction of business in Ministries/Departments of the Government by ensuring adherence to these rules. The Secretariat assists in decision-making in Government by ensuring inter-ministerial coordination, ironing out differences amongst Ministries/Departments and evolving consensus through the instrumentality of the standing/adhoc Committees of Secretaries. Through this mechanism new policy initiatives are also promoted.

The Cabinet Secretariat ensures that the President, the Vice President and Ministers are kept informed of the major activities of all Ministries/Departments by means of monthly summary of their activities. Management of major crises situations in the country and coordinating activities of various ministries in such a situation is also one of the functions of the Cabinet Secretariat.

The secretarial assistance provided by Cabinet Secretariat to the Cabinet and Cabinet Committees includes:

- (i) Convening of the meetings of the Cabinet on the orders of the Prime Minister.
- (ii) Preparation and circulation of the agenda.
- (iii) Circulating papers related to the cases on the agenda.
- (iv) Preparing a record of discussions taken.
- (v) Circulation of the record after obtaining the approval of the Prime Minister.
- (vi) Watching implementation of the decisions taken by the Cabinet.

The Cabinet Secretariat is the custodian of the papers of the Cabinet meetings.

Among the inter-ministerial matters, coordination is required for:

- (i) removing difficulties;
- (ii) removing differences;
- (iii) overcoming delays;
- (iv) coordination in administrative action; and
- (v) coordination of policies.

While each Ministry is responsible for acting on its own for expeditious implementation of Government policies, plans and programmes, where inter-ministerial cooperation is involved, they often seek the assistance of the Cabinet Secretariat. The inter-ministerial problems are dealt with in the meetings of the Committees of Secretaries (COS). The Committees are constituted for discussing specific matters and proposals emanating from various Secretaries to the Government and meetings are held under the chairmanship of the Cabinet Secretary. These committees have been able to break bottlenecks or secure mutually supporting inter-ministerial action.

The discussions of the COS takes place on the basis of a paper formulated by the principal department concerned and the department with a different point of view, if any, providing a supplementary note. The decisions or recommendations of the COS are unanimous. These proceedings are also circulated to and are followed up by the departments. There are other important functions which it discharges, viz.,

- (i) Monitoring
- (ii) Coordination
- (iii) Promoting new policy initiatives

The Cabinet Secretariat is seen as a useful mechanism by the departments for promoting inter-ministerial coordination since the Cabinet Secretary is also the head of the civil services. The Secretaries feel it necessary to keep the Cabinet Secretary informed of developments from time to time. The Transaction of Business Rules also requires them to keep the Cabinet Secretary informed of developments from time to time, specially if there are any departures from these rules.

Cabinet Secretary

The office of Cabinet Secretary was created in India in 1950. Its first occupant was N.R. Pillai.

A Cabinet Secretary is the head of the Cabinet Secretariat. He succeeded the Secretary to the Governor-General's Executive Council.

He is given a top place among the civil servants in the official warrant of precedence. Thus, he is the senior most civil servant in India. Such a status to a Cabinet Secretary was recommended by the

Gopalaswamy Ayyangar Report on Reorganisation of the Machinery of Government (1949). However, his tenure of office is not fixed.

The following points highlight the role, powers and functions of a Cabinet Secretary.

- (i) He is the chief coordinator of Central administration. But, he has no supervisory function over ministries/departments.
- (ii) He is a Chairman of the Senior Selection Board which selects officers for the post of Joint Secretary in the Central Secretariat.
- (iii) He himself selects the officers for the posts of Secretary and Additional Secretary in the Central Secretariat.
- (iv) He is the Chairman of the Committee of Secretaries on Administration which is set up to resolve inter-ministerial disputes.
- (v) He presides over the Conference of Chief Secretaries which is held annually.
- (vi) He acts as a chief advisor to the Prime Minister on all aspects of administration and policy.
- (vii) His sanction should be obtained by a minister before launching prosecution against the publisher or editor of newspaper in cases of defamation.
- (viii) He serves on occasions as a factotum when the Prime Minister deems necessary and calls him to be so.
- (ix) He acts as an advisor and conscience-keeper to all the civil servants. He advises and guides them on cases of inter-departmental difficulties.
- (x) He acts as a link between the Prime Minister's Office (PMO) and various administrative agencies and also between the civil service and the political system.

On the role of a Cabinet Secretary, S.S. Khera, a former Cabinet Secretary, in his book, *The Central Executive*, observed that, "The Cabinet Secretary provides the eyes and ears for the Prime Minister to keep in touch with the process of official business in the Central Government. But he is in no sense a watchdog or an invigilator on behalf of the Prime Minister... A Cabinet Secretary's is a very general staff function, not a line function in relation to the ministries. His business is to help, not to oversee."

PRIME MINISTER'S OFFICE/SECRETARIAT

Meaning

The Prime Minister, as the head of the government and the real executive authority, plays a very significant and crucial role in the politico-administrative system of the country. In the fulfilment of his onerous responsibilities, the Prime Minister is assisted by the Prime Minister's Office (PMO).

Thus, the PMO is a staff agency meant for providing secretarial assistance and crucial advice to the Prime Minister. It plays an important role in the process of decision-making at the top level in the Government of India. However, it is an extra-constitutional body.

The PMO enjoys the status of a department of the Government of India under the Allocation of Business Rules, 1961. It has no attached and subordinate office under it.

The PMO came into existence in 1947 by replacing the Secretary to the Governor-General

(Personal). Till June 1977, it was called as the Prime Minister's Secretariat (PMS).

Composition

The PMO is headed politically, by the Prime Minister and administratively, by the Principal Secretary.

Additionally, it consists of one or two additional secretaries, three to five joint secretaries and a number of directors/deputy secretaries and under-secretaries. There are also other officers like private secretaries, officer on special duty (OSD), Social Secretary, Research Officer, Hindi Officer and so on. These officers are supported by the regular office establishment consisting of section officers, UDCs, LDCs, stenographers and so forth.

These personnel are generally drawn from the Civil Service and posted for varying periods. Their status is equivalent to the status of officers of different ministries/departments in the Central Government.

The Principal Secretary to the Prime Minister, as the administrative head of the PMO, plays an important role and performs the following functions:

- (i) Deals with all governmental files in the office.
- (ii) Puts before the Prime Minister all important documents for orders and instructions.
- (iii) Prepares notes on matters to be discussed by the Prime Minister with important dignitaries.
- (iv) Looks after the affairs of different ministries and departments which are handed over by the Prime Minister.
- (v) Coordinates the activities of various personnel in the office.
- (vi) Tenders advice to the Prime Minister on various foreign and domestic matters.

Functions

The PMO performs several functions:

- (i) Assisting the Prime Minister in respect of his overall responsibilities as head of the government like maintaining liaison with central ministries/departments and the state governments.
- (ii) Helping the Prime Minister in respect of his responsibilities as chairman of the Planning Commission, and the National Development Council.
- (iii) Looking after the public relations of the Prime Minister like contact with the press and general public.
- (iv) Dealing with all references which under the Rules of Business have to come to the Prime Minister.
- (v) Providing assistance to the Prime Minister in the examination of cases submitted to him for orders under prescribed rules.
- (vi) Maintaining liaison with the President, Governors, and Foreign Representatives in the country.
- (vii) Acting as the 'think-tank' of the Prime Minister.

Two more things should be noted with regard to the functions of PMO. One, it acts as the residual

legatee of the Central Government, that is, it deals with all such subjects which are not allotted to any ministry/department. Two, it is not concerned with the responsibilities of Prime Minister as the chairman of the Union Cabinet. The cabinet cases are directly dealt by the Cabinet Secretariat, which also functions under the direction of the Prime Minister.

Changing Role

The role of PMO varied from Prime Minister to Prime Minister. Over the years, it has grown very big and powerful and started functioning on a scale that was not anticipated at the time of its inception in 1947.

During the prime ministership of Jawaharlal Nehru, the PMO was small in the size and played a limited role, but Lal Bahadur Shastri, who succeeded Nehru, strengthened the PMO and made it a powerful organ. The same trend was continued by Indira Gandhi also. In 1977, the Janata Government took measures to de-emphasise its dominant role, including the change of its nomenclature (i.e., from Prime Minister's secretariat to Prime Minister's Office). However, when Indira Gandhi returned to power after the collapse of the short-lived Janata Government, she again strengthened the PMO. This trend continued during Rajiv Gandhi's time and continues till today.

At present, the PMO has over 350 people under its roof. This large establishment runs a 'parallel' administration, that is, every ministry/department of the Central Government is duplicated here. This trend has damaged the prestige of ministers and the authority of departmental bureaucracy.

Thus, the PMO emerged as a rival centre of power at the official level and to that extent the 'legitimate' role, significance, authority and position of the Cabinet Secretariat and Cabinet Secretary in the Indian Cabinet System of government have gone down. As rightly said by Ajay K. Mehra, "Constitutional practice recognises the Cabinet Secretariat, not the PMO, as the supporting institution for the apex executive body. The controversy over the PMO, therefore, is not merely with regard to its enjoying power disproportionate to its political location, the issue is that it has completely eclipsed the Cabinet Secretariat."

Therefore, the critics have described the PMO variously as 'Super Cabinet', 'Micro Cabinet', 'Super Ministry', 'Super Secretariat', 'Supra-authority', 'the Government of India', 'the Government of the Government of India' and so on.

BOARDS AND COMMISSIONS

In the administrative structure of India, there exist two types of organisations, namely

- (i) Bureau type, where administrative authority is vested in a single individual.
- (ii) Board and Commission type, where administrative authority is vested in a group of individuals.

Thus, bureaus are single-headed bodies while the boards and commissions are multi-headed bodies. Departments belong to the first category.

The terms 'boards' and 'commissions' are interchangeably used though they differ. In the case of a board, the members act collectively upon all the matters of the organisation. While, in the case of a Commission, the members not only act collectively as a board, but also act individually as heads of distinct units of the organisation.

Boards and Commissions can be classified on different bases. These are explained as follows.

A. Legal Status

On the basis of the legal status, the Boards and Commissions can be classified into three categories, viz.

- (a) Boards and Commissions established by the Constitution itself or established by the President under his constitutional authority. These are called 'constitutional bodies'. They include the following:
 - (i) Election Commission
 - (ii) Union Public Service Commission
 - (iii) State Public Service Commission
 - (iv) Finance Commission
 - (v) Official Language Commission
 - (vi) Backward Classes Commission
 - (vii) National Commission for SCs
 - (viii) National Commission for STs
- (b) Boards and Commissions established by special Acts of Parliament. These are called 'statutory bodies'. They include the following:
 - (i) University Grants Commission
 - (ii) Oil and Natural Gas Commission
 - (iii) Central Board of Direct Taxes
 - (iv) Central Board of Excise and Customs
 - (v) Railway Board
 - (vi) Atomic Energy Commission
 - (vii) Flood Control Board
 - (viii) National Commission for Women, and so on.
- (c) Boards and Commissions established by separate executive resolutions or orders of the Central Government. These are called 'attached bodies' and are placed under the direct control of the concerned ministries. They include the following:
 - (i) All-India Handloom Board
 - (ii) Planning Commission
 - (iii) Staff Selection Commission
 - (iv) All-India Handicraft Board, and so on.

B. Nature of Authority

On the basis of nature of authority, the Boards and Commissions can be classified into the following three categories:

- (a) Boards and Commissions which perform purely advisory functions, for example, the Small

Scale Industries Board

- (b) Boards and Commissions which make policies and gives administrative directions, for example, the Planning Commission
- (c) Boards and Commissions which not only make policies and issue administrative directions but also execute the policies, for example, the Atomic Energy Commission or the Railway Board.

C. Functions Performed

On the basis of the functions performed, the Boards and Commissions can be classified into three categories.

They are

- (a) Boards and Commissions which are engaged in developmental activities, for example, the All-India Handicraft Board or the Industrial Promotion Board
- (b) Boards and Commissions which are engaged in regulatory activities, for example, the Central Electricity Regulatory Commission
- (c) Boards and Commissions which are engaged in both developmental and regulatory activities, for example, Central Silk Board.

D. Location

On the basis of the location, the Boards and Commissions can be classified into the following two categories.

- (a) Boards and Commissions acting as the substitutes for the Ministries or Departments, for example, the Railway Board or the Posts and Telegraphs Board
- (b) Boards and Commissions working as the subordinate agencies under the Ministries or Departments, for example, the Education Boards in the states

PUBLIC ENTERPRISES

Public enterprises are those which are owned wholly or partially by the Central Government or a state government or jointly by Central and a state governments, and which are engaged in the industrial, agricultural, commercial, or financial activities having self-management.

Public enterprises in India are organised into four major patterns (principal forms)—Departmental Undertakings, Public Corporations, Government Companies, and Holding Companies. Besides, there are various other forms *viz.* Commissions, Control Boards, Cooperative Societies, Public Trusts, and Commodity Boards.

Departmental Undertaking

It is the traditional and the oldest form of public enterprise. The Railways and the Posts and Telegraphs are the two major departmental undertakings. Besides, All-India Radio, Doordarshan,

Defence Production Units, Atomic Power Projects, Government Printing Press are also organised as departmental undertakings. This pattern is usually used when the principle objective of an enterprise is to provide revenue.

The characteristics of a departmental undertaking form of organisation are:

- (i) Its aggregate investment is wholly made by the Government. A private party is debarred from investing in it.
- (ii) It is financed by annual appropriations from the treasury. Also, all its revenues or a major part of it are paid into the treasury.
- (iii) It is subject to budget, accounting and audit controls, which are applicable to other government departments.
- (iv) Its permanent staff consists of civil servants. Also, their methods of recruitment and service conditions are ordinarily the same as other civil servants (i.e. government staff).
- (v) It is generally organised as a major sub-division of one of the departments of the Government and is subject to direct control of the head of the department.
- (vi) It possesses sovereign immunity of the state and cannot be sued without the consent of the government.
- (vii) It is accountable to the Parliament through the concerned minister.
- (viii) It is created by an executive resolution, prior approval of the Parliament is not required to create it.

The *advantages* of a departmental undertaking form of organisation are:

- (i) It provides for a maximum degree of control by a minister who is politically responsible to the Parliament.
- (ii) It facilitates a clear relationship with other parts of the governmental structure.
- (iii) It enables the Government to have better control over its funds. Thus it prevents the public money from being misappropriated and misused.
- (iv) It is a well-known form of organisation, having fixed rules and standard patterns.
- (v) It is most suitable for those enterprises which are set up for special reasons like defence, strategic importance, national security, economic control, financial control, safeguarding public interest, and so on.

The *disadvantages* of a departmental undertaking form of organisation are:

- (i) It directly negates the requirements of autonomy due to excessive control.
- (ii) It militates against initiative and flexibility of the enterprise.
- (iii) It leads to rigid financial and budgetary control.
- (iv) It has rigidity of rules and regulations and red tape leading to delays.
- (v) It does not facilitate sufficient delegation of authority due to over centralisation.

Therefore, this form of organisation is not used for economic and financial enterprises in recent times because of its inherent characteristics of rigidity and delays.

Public Corporation

A public corporation as a form of public enterprise developed in the second half of 20th century. W.A. Robson said, "Public Corporation is the most important invention of the twentieth century in the sphere of government institutions."

Some important public corporations of Central Government are:

- (i) Reserve Bank of India (1935)
- (ii) Damodar Valley Corporation (1948)
- (iii) Industrial Finance Corporation of India (1948)
- (iv) Indian Airlines Corporation (1953)
- (v) Air India International (1953)
- (vi) State Bank of India (1955)
- (vii) Life Insurance Corporation of India (1956)
- (viii) Central Warehousing Corporation (1957)
- (ix) Oil and Natural Gas Commission (1959)
- (x) Food Corporation of India (1964)

Some important public corporations of state governments are:

- (i) State Road Transport Corporations
- (ii) State Financial Corporations
- (iii) State Electricity Boards
- (iv) State Land Mortgage Banks

The *characteristics* of a public corporation form of organisation are:

- (i) It is wholly owned by state, that is, its entire capital is provided by the government.
- (ii) It is created by (or pursuant to) a special law of legislature (either Central or state). This special statute defines its objectives, powers, duties and privileges and also prescribes the form of management and its relationship to the government departments.
- (iii) It (as a corporate body) has a separate entity for legal purposes and can sue and be sued, enter into contracts and acquire property in its name.
- (iv) It is usually independently financed except for appropriations to provide capital or to cover losses. It obtains its funds from borrowing (either from the treasury or the public) and from revenues derived from the sale of its goods and services. It is authorised to use and reuse its revenues.
- (v) It is generally exempted from most regulatory and prohibitory statutes applicable to the expenditure of public funds.
- (vi) It is ordinarily not subject to budget, accounting and audit laws and procedures which are applicable to non-corporate agencies (government departments).
- (vii) Its employees (in the majority of cases) are not civil servants and are recruited and remunerated under terms and conditions which are determined by the corporation itself.
- (viii) It enjoys functional autonomy and is not subject to direct control of the head of the department (the minister) in its normal operations. Except for the formal policy directions issued to it by a minister, it is guided (in its functioning) by the statute which created it. It is managed by a Board of Directors appointed by the Government. One of the directors is appointed as the

Chairman of the Board.

The *advantages* of a public corporation form of organisation are:

- (i) It facilitates autonomy in its day-to-day administration
- (ii) It provides freedom from political influences and partisan considerations.
- (iii) It provides for a healthy synthesis of commercial efficiency of a private enterprise with public accountability of a government department.
- (iv) It provides freedom from unsuitable rules, regulations and controls of the government.
- (v) It facilitates a high degree of financial flexibility and personnel autonomy.
- (vi) It is a valuable instrument for social control of economic life.

The *disadvantages* of a public corporation form of organisation are:

- (i) It is inherently rigid and ill-suited to meet the requirements of changing times. This means that a change in its structure or procedure or other aspects can be effected only by a statutory amendment (by the legislature).
- (ii) It gives rise to the problems of reconciling administrative autonomy with public accountability.
- (iii) It does not facilitate clear distinction between the “matters of policy” and “matters of day-to-day administration.”
- (iv) It places significant political power in the hands of a small unrepresentative, and in extreme cases, a self-perpetuating group which controls and manages it.
- (v) It, in practice, does not facilitate flexibility and autonomy in both financial and administrative aspects. The ministries look upon the corporations as their wings or branches and issue orders and directions in a similar way.

Government Company

A government company is the most popular and extensively used form of organisation for management of public enterprises (both industrial as well as commercial) in India. It is registered under the Indian Companies Act of 1956. This Act defines a government company as one in which not less than 51% of the share capital is held either by the Central Government or the state government(s) or partly by the Central Government and partly by the state government(s). A government company can be wholly owned by the Government (i.e. the total share capital is invested by the Government) or can be partially owned by the Government (i.e. 51 per cent of the share capital is invested by the Government and the remaining capital furnished by private enterprises). Thus, the latter type of government company is also known as a mixed-ownership company as it comprises a joint enterprise in which the share capital is shared between the Government and the private interests, which can be either national or foreign. By acquiring 51 per cent or above of the share capital, the Government becomes the *de facto* (real) controller of the affairs of the mixed ownership company. This is why it is called a government company.

The Indian Companies Act of 1956 recognises two forms of companies—private limited company and public limited company. The differences between these two forms are mentioned below in [Table 3.2](#).

Table 3.2

Private Limited vs Public Limited Companies

<i>Private Limited Company</i>	<i>Public Limited Company</i>
1. Its formation requires a minimum of two shareholders.	1. Its formation requires a minimum of seven shareholders.
2. Its shareholder's right to transfer his shares is restricted.	2. Its shareholder's right to transfer his shares is not restricted.
3. Its maximum number of shareholders cannot be more than fifty.	3. Its maximum number of shareholders is not restricted.

The above points of distinction makes it very clear that a private limited company is more suitable than the public limited company for organising a public enterprise. Hence, the governments in India have preferred the private limited company.

Some important Government companies are:

- (i) Bharat Heavy Electricals (Private) Limited
- (ii) Hindustan Antibiotics Limited
- (iii) Bharat Electronics (Private) Limited
- (iv) Rashtriya Fertilizers and Chemicals (Private) Limited
- (v) Hindustan Machine Tools (Private) Limited
- (vi) Hindustan Cable (Private) Limited
- (vii) Hindustan Housing Factory (Private) Limited
- (viii) Fertilizer Corporation of India Limited
- (ix) Hindustan Insecticides (Private) Limited
- (x) Shipping Corporation of India Limited
- (xi) Hindustan Shipyard Limited
- (xii) Maruti Udyog Limited
- (xiii) Indian Telephone Industries Limited
- (xiv) National Coal Development Corporation
- (xv) Heavy Engineering Corporation
- (xvi) India Tourism Development Corporation
- (xvii) Indian Oil Corporation

It should be noted here that some of the Government companies use the word 'corporation,' but they are actually organised as Government companies. For example, Fertilizer Corporation of India, Indian Oil Corporation.

The *characteristics* of a Government company form of organisation are:

- (i) It has most of the features of a private limited company.
- (ii) It is either wholly owned by the government or 51 per cent (or above) of the capital stock is owned by the Government.
- (iii) It is created by an executive resolution under the general law, that is, the Indian Companies Act of 1956. The executive need not seek the approval of legislature.
- (iv) It is a body corporate and has a separate entity for legal purposes and can sue and be sued,

enter into contracts and acquire property in its name.

- (v) Its Articles of Association (which lays down the rules of internal management) are drawn up and revisable by the Government.
- (vi) Its funds are obtained from the Government and, in some cases, from private shareholders, and through revenues derived from the sale of its goods and services.
- (vii) It is ordinarily not subject to budget, accounting and audit laws and procedures which are applicable to Government departments.
- (viii) Its employees (excluding the deputationists) are not civil servants and are recruited and remunerated under terms and conditions which are determined by the company itself.
- (ix) All the directors or a majority of them are appointed by the Government depending upon the extent to which private capital is participating in the enterprises.

The *advantages* of a government company form of organisation or the reasons for its popularity in India are:

- (i) It facilitates ease and convenience in forming an enterprise. This is so because it can be created by an executive decision without Parliamentary approval. This is the principal reason for its popularity.
- (ii) It provides for sufficient government control.
- (iii) It enables association with private enterprise.
- (iv) It facilitates autonomy in day-to-day administration.
- (v) It provides for a high degree of financial flexibility and personnel autonomy.
- (vi) It provides for easy expansion and extension.

The *disadvantages* of a government company form of organisation are:

- (i) It evades constitutional responsibilities which a state-controlled enterprise has in a democratic society towards the government and to the Parliament. This is the reason why it was described by a former Comptroller and Auditor General of India as “a fraud on the Company’s Act and on the Constitution of India.” Lanka Sundaram described it as “an imperium in imperio” (a small kingdom within a kingdom).
- (ii) The use of the company form and of the law regulating commercial companies, usually becomes a mere fiction because all or most of the functions normally vested in the shareholders and in the management, are reserved to the government by the statute setting up the company.
- (iii) It, in practice, does not facilitate flexibility and autonomy in both financial and administrative aspects. The Estimates Committee of Lok Sabha said, “the companies are more or less extensions of departments ... and are run almost on the same pattern, with minor changes here and there.”

The question of suitability of the forms of public enterprise was examined by various committees and commissions. The following points can be noted in this regard.

- (i) A.D. Gorwala in his Report on the Efficient Conduct of State Enterprises (1951) considered government company form superior to public corporation form because of its flexibility.
- (ii) The First Five-Year Plan document supported the adoption of Government Company form.
- (iii) The Estimates Committee of Lok Sabha (1960) recommended in favour of public corporation

form for organising public enterprises.

(iv) The Krishna Menon Committee suggested the adoption of public corporation form.

(v) The Administrative Reforms Commission favoured the adoption of public corporation form in general in organising public enterprises.

Holding Company

A holding company form of organisation involves integration of all the companies which are operating in the same field or which have strong technical and commercial affinities with each other under a common management. Thus, such companies called as subsidiaries are brought under the common management of a holding company. A holding company is one which has acquired a majority share in the ownership capital and which, by virtue of its share ownership, is able to control the management of subsidiary companies. Some examples of holding companies are:

(i) Steel Authority of India Limited (1973)

(ii) Coal Authority of India Limited

(iii) Ashoka Group of Hotels

(iv) State Trading Corporation of India

(v) General Insurance Corporation of India

(vi) Gas Authority of India Limited

A 'sector corporation' form of organisation recommended in 1967 by the Administrative Reforms Commission is similar to the holding company form of organisations. In 1986, the Arjun Sengupta Committee recommended the establishment of holding companies or sector corporations in main areas of the economy.

Other Forms

In addition to the above mentioned four major forms, there are other forms of public enterprises. They are:

Control Board These are established for the management of multi-purpose river valley projects. They are created by an executive resolution of either Central Government or a state government. There are various control boards in the country like Nagarjunsagar Control Board, Kosi Control Board, Bhakra–Beas Management Board and so on.

Public Trust These are established for managing service enterprises or for regulating those activities which affect the society in general. They are created by special acts of Parliament. The examples of such enterprises are Port Trusts, Unit Trust of India and so on.

Commission These are established to undertake development work in their fields. They are created by special acts of Parliament. The examples of such enterprises are Tariff Commission, Khadi and Village Industries Commission, Forward Markets Commission and so on.

Commodity Board These are established to promote industrial development. They are created by special acts of Parliament. The examples of such enterprises are Small-Scale Industries Board,

Coffee Board, Rubber Board, and so on.

Cooperative Society These are established to undertake developmental and promotional activities. They are registered under the Societies Registration Act. The examples of such enterprises are Indian National Research Development Corporation, Trade Fair Authority of India, Indian Dairy Development Corporation.

STATE SECRETARIAT

Meaning

Every state has a Secretariat of its own. It is the nerve centre of state administration. It consists of several departments of state government. The departments are headed politically by the ministers and administratively by the secretaries. The Chief Secretary is the head of the entire State Secretariat while, a Secretary is head of one or two departments. The Secretary is usually a senior IAS officer (a generalist). An exception to this rule is the Public Works Department which is headed by the Chief Engineer (a specialist). It should be noted here that the Secretary is the Secretary to the State Government as a whole and not to the individual minister concerned.

Organisation

The number of Secretariat departments vary from state to state. It ranges from 15 to 35 departments. The departments which are common to most of the states are mentioned below.

- General Administration
- Home
- Finance
- Jail
- Revenue
- Forest
- Agriculture
- Labour and Employment
- Irrigation and Power
- Law
- Social Welfare
- Housing
- Civil Supplies
- Transport
- Local Government

- Excise and Taxation
- Panchayati Raj
- Public Works
- Education
- Planning
- Industries
- Publicity and Information
- Cooperation
- Health

Usually, each secretary is given the charge of more than one department. Hence, the number of secretariat departments would be more than the number of secretaries.

Personnel

A Secretariat department consists of officers who are appointed for a fixed tenure. The hierarchy of the Secretariat officers is:

- Secretary
- Special Secretary/Additional Secretary
- Joint Secretary
- Deputy Secretary
- Under Secretary
- Assistant Secretary

The office component of the Secretariat consists of the following personnel.

- Superintendent (or section officer)
- Assistant Superintendents
- Upper Division Clerks
- Lower Division Clerks
- Steno-typists and Typists
- Manual Workers

Functions

A Secretariat is a staff agency. Its basic function is to assist the minister in the fulfillment of his role. It performs the following functions.

- (i) To formulate the policies and programmes of the state government.
- (ii) To coordinate the state government policies and programmes.
- (iii) To prepare the state budget and impose control on public expenditure.
- (iv) To frame legislation, rules and regulations.
- (v) To supervise the implementation of policies and programmes by field agencies.
- (vi) To review the results of the execution of a policy.

- (vii) To maintain contacts with Central and other state governments.
- (viii) To initiate measures to develop greater organisational competence, that is, O and M work.
- (ix) To assist ministers in discharging their responsibilities to the state legislature, like answering questions.
- (x) To appoint heads of departments and to look into the consequent establishment work like salary administration.
- (xi) To serve as a think-tank of the state government.
- (xii) To explore the possibilities of improving the financial position of the state.
- (xiii) To receive the complaints, representations and appeals from the people and solve them.
- (xiv) To approve service rules and their amendments.

CHIEF SECRETARY

Position

The office of a Chief Secretary had its origin in the Central Government during the British rule. It was created in 1799 by Lord Wellesly, the then Governor-General of India. G.H. Barlow was the first occupant of this office. However, in course of time, this office disappeared from the Central Government and was adopted by state governments much before the attainment of Independence.

The Chief Secretary is the executive head of the State Secretariat. He is the administrative head of the state administration and stands at the apex of the state administrative hierarchy. His position *vis-a-vis* other secretaries is more than *primus inter pares* (first among equals). He is, in fact, chief of the secretaries and his control extends to all the Secretariat departments. He leads, guides and controls the entire state administration. He holds a pivotal, pre-eminent and coveted position and assumes different roles in the administrative system of the state.

Since 1973, a Chief Secretary is the senior-most civil servant in all the states. Before that, for instance, he was considered junior to the Financial Commissioner in Punjab and members of the Board of Revenue in UP. In Tamil Nadu, on the other hand, he was the senior-most civil servant. However, this office was standardised in 1973 on the recommendation of the Administrative Reforms Commission of India, and this post was equated with that of the Secretary to the Government of India, both in status and emoluments.

The chief secretary is chosen by the Chief Minister from the senior IAS officers of the state cadre. Generally, the Chief Minister takes into account three factors in this regard: seniority of the officer; service record, performance and merit of the officer; and his trust and confidence in the officer.

Further, the office of Chief Secretary has been excluded from the operation of the tenure system. In other words, there is no fixed tenure for this post.

Powers and Functions

The powers and functions of the Chief Secretary are mentioned in the 'Rules of Business' framed by a state government. He also derives some of his powers and functions from conventions. These are explained below.

As an Advisor to the Chief Minister The Chief Secretary acts as the principal advisor to the Chief

Minister on all matters of state administration. The Chief Minister consults the Chief Secretary on all policy issues related to the governance of state. He explains to the Chief Minister about the administrative implications of the proposals forwarded by the state ministers. He also acts as a link between the Chief Minister and other secretaries of the state government.

As Secretary to the Cabinet The Chief Secretary acts as a Secretary to the State Cabinet. He is the administrative head of the Cabinet Secretariat and attends the meeting of the Cabinet and its sub-committee, if necessary. He prepares the agenda for Cabinet meetings and keeps records of its proceedings. He takes steps for the implementation of the decision taken in such meetings.

As the Head of Civil Service The Chief Secretary acts as the head of the state civil service. He deals with all cases related to appointment, transfers and promotion of senior state civil servants. He plays an important role in maintaining the morale of the state civil service. He is the conscience-keeper to all state civil servants.

As Chief Coordinator The Chief Secretary is the chief-coordinator of state administration. At the secretarial level, he works towards ensuring inter-departmental coordination. He advises the secretaries on inter-departments difficulties. He is the Chairman of coordination committees set up for resolving inter-departmental disputes. He presides over the meetings of the departments' secretaries. Below the Secretariat level, he presides over the conferences attended by Divisional Commissioners, District Collectors and the heads of departments of district administration to effect coordination.

As the Head of Certain Departments The Chief Secretary also acts as the administrative head of some Secretariat departments. However, there is no uniformity throughout the country in this regard and his position varies from state to state. In most cases the General Administration Department, Personnel Department, Planning Department and Administrative Reforms Department are directly under the charge of the Chief Secretary. The General Administration Department is the most important department in the State Secretariat and its political head is the Chief Minister himself. It is concerned with various matters affecting the entire business of the state government.

As Crisis Administrator In times of crisis like flood, drought, communal disturbances, and other, the Chief Secretary plays a very significant role. He provides guidance and leads the officers and agencies engaged in relief operations. He is generally a chairman or an important member of committees set up to take high level policy decisions during a crisis situation. In fact, he acts as the crisis administrator-in-chief and virtually represents the state government for all the officers concerned with relief operations.

Other Functions and Roles The Chief Secretary also performs the following functions and roles.

- (a) He acts as the *residual legatee*, that is, he looks after all those matters which do not fall within the purview of other secretaries.
- (b) He acts as the secretary, by rotation, of the Zonal Council of which the state concerned is a member.
- (c) He exercises general supervision and control over the entire State Secretariat.
- (d) He has administrative control over the Secretariat building, the staff attached to the ministers, the central record branch, the Secretariat library, the conservancy and watch and ward staff of the Secretariat departments.

- (e) He is the principal channel of communication between his government and the Central Government and other state governments.
- (f) He plays a significant role in the administration of law and order and planning.
- (g) He attends the annually held chief secretaries conference presided over by the cabinet secretary of the Union Government.
- (h) He acts as a spokesman of the state government.
- (i) He acts as the chief advisor to the Governor when President's rule is imposed in the state, and if the Central advisors are not appointed.
- (j) He attends the meetings of the National Development Council.
- (k) He acts as the chief public relations officer of the state government.

Chief Secretary Vs. Cabinet Secretary

There is no office in the Union Government which can be equated to that of Chief Secretary in the state. To some extent, the Cabinet Secretary, at the Central level can be called as the counterpart of chief secretary. However the functions performed and the roles assumed by the chief secretary in the state administration are so vast, varied and wide that they are shared at the central level, by the Cabinet Secretary, the Personnel Secretary, the Home Secretary and the Finance Secretary.

The *similarities* between the Chief Secretary and the Cabinet Secretary are:

- (i) Both are chief advisors to their respective chief executives.
- (ii) Both are chief coordinators of their respective administrations.
- (iii) Both are secretaries to their respective cabinets.
- (iv) Both are administrative heads of their respective cabinet secretariats.
- (v) Both the offices originated at the Central level.
- (vi) Both supervise the implementation of the decisions of their respective cabinets.
- (vii) Both are heads of their respective civil services.

The *differences* between the Chief Secretary and the Cabinet Secretary are:

- (i) The powers and functions of Chief Secretary are much more than that of the Cabinet Secretary.
- (ii) The Chief Secretary is the administrative head of the State Secretariat, while the Cabinet Secretary is not the administrative head of the Central Secretariat.
- (iii) The Chief Secretary is the chief of state secretaries, while the Cabinet Secretary is not the chief of Central secretaries but only *primus inter pares* (first among equals).
- (iv) The Chief Secretary is the *Residual Legatee* at the state level, while the Cabinet Secretary is not the *Residual Legatee* at the Central level. This function at the Central level is performed by the Principal Secretary to the Prime Minister who is the administrative head of the PMO.
- (v) Some departments of the State Secretariat are directly under the charge of chief secretary while no department of the Central Secretariat is under the direct charge of the Cabinet Secretary except, of course, the Cabinet Secretariat.

DIRECTORATES

Meaning

The minister, the secretary and the executive head are the three components of government at the state level. The minister and the secretary together constitute what is popularly known as the Secretariat. The office of the executive head, on the other hand, is termed as the Directorate. The directorates function under the State Secretariat.

A secretariat is a staff agency while a Directorate is a line agency. In other words, a Secretariat is concerned with policy-making, while a Directorate is concerned with policy execution. Thus, directorates are the executive arms of state governments. Their duty is to translate into action the policies which are framed by a Secretariat. They are also known as executive departments as distinct from the Secretariat departments. Excepting few cases, each Secretariat department has a corresponding executive department.

Heads

The directorates are as a rule located outside the secretariat. They constitute distinct organisational entities headed by Director who is assisted by Additional Directors, Joint Directors, Deputy Directors and Assistant Directors. However, the head of a Directorate (i.e. executive department or executive agency) may also be known by various names *viz.* Commissioner, Director-General, Inspector-General, Registrar, Controller, Chief Engineer, Chief Conservator, and so on. The following table contains the names of directorates or executive departments and their heads.

Table 4.1 Directorates and their Heads

<i>Sl. No.</i>	<i>Directorates or Executive Departments</i>	<i>Designation of the Heads</i>
1.	Agriculture Department	Director of Agriculture
2.	Animal Husbandry Department	Director of Animal Husbandry
3.	Cooperative Department	Registrar of Cooperative Societies
4.	Education Department	Director of Education
5.	Excise Department	Commissioner of Excise
6.	Forest Department	Chief Conservator of Forests
7.	Housing Department	Commissioner of Housing
8.	Irrigation Department	Chief Engineer (Irrigation)
9.	Jail Department	Inspector-General of Jails
10.	Labour Department	Commissioner of Labour
11.	Police Department	Director-General of Police
12.	Sales Tax Department	Commissioner of Sales Tax
13.	Printing and Stationery Department	Controller of Printing and Stationary
14.	Employment Directorate	Director of Employment
15.	Industries Directorate	Director of Industries

Functions

The functions of the Head of the Directorate are:

- (i) To provide technical advice to the ministers.

- (ii) To prepare the budget of the department.
- (iii) To exercise disciplinary powers over the subordinate officers as per rules.
- (iv) To render advise to the State Public Service Commission regarding promotions and disciplinary actions.
- (v) To inspect implementation of work by the departmental district staff.
- (vi) To allocate grants and make budget reappropriations.
- (vii) To make all appointments, confirmations, postings, transfers and promotions of all subordinate officers within the prescribed limits and approved rules.
- (viii) To organise in-service training programmes for departmental officers.
- (ix) To carryout departmental research and experiment programme to improve the efficiency of the department.
- (x) To accord sanction to the officers for the attendance of conferences (other than inter-state or Central Government conferences).

BOARD OF REVENUE

Meaning

A Board of Revenue relieves the state government of the detailed work in the field of revenue administration. It is the highest body in the revenue hierarchy of the state. It is an autonomous body created under a special act of the State Legislature. Hence, it is not a department of the state government and does not form a part and parcel of the state government machinery. However, it functions under the control of the state government.

A Board of Revenue acts as a link between the state headquarters and the divisional/district administration. Its activities are multi-functional and it is thus related to several departments.

A Board of Revenue is a multi-member body. The members have both individual as well as collective responsibilities. The number of members varies from one state to another state. It ranges between one and six. Thus, the Board in U.P. has six members whereas in Bihar and Orissa it consists of only one full-time member. The members are usually senior I.A.S. officers. The Board has a separate secretariat of its own.

Functions

The functions of the Board can be divided into three categories—advisory, appellate (quasi-judicial) and administrative. These are as follows:

1. It tenders expert advice to the state government on all matters of revenue policy and other matters which are referred to it.
2. It acts as the highest revenue court in the state. It hears appeals or petitions for revision filed against orders passed by revenue authorities like the District Collector and the Divisional Commissioner.
3. It exercises general supervision over the state revenues and recommends measures to augment those revenues.
4. It is responsible for the administration of the revenue policies as well as the revenue

legislations of the state government.

5. It undertakes tours and inspects the revenue sections in the divisional commissioner's offices and the collectorates.
6. It is responsible for civil supplies, land reforms, survey, settlement and land records.
7. In some states, the President of the Board of Revenue acts as the Chairman of the State Transport Authority.
8. In those states which do not have divisional commissioners, the Board of Revenue comes in direct contact with the district administration. Here, the Board supervises and coordinates the work of various departments at the supra-district level.
9. In some states, the Board is responsible for conducting the departmental examinations for the IAS and other categories of officers.
10. In some states, the President of the Board of Revenue is empowered to write the Annual Confidential Reports (ACRs) of the Divisional Commissioners and the District Collectors.

Alternative Bodies

The first Board of Revenue was created in Bengal in 1786. At present (2010), a Board of Revenue is existing in all the states except the following:

1. Maharashtra and Gujarat, which have the institution of Revenue Tribunal in place of the Board of Revenue.
2. Punjab, Haryana, Himachal Pradesh and Jammu & Kashmir, which have the institution of Financial Commissioner instead of the Board of Revenue.
3. Andhra Pradesh, which has replaced the Board of Revenue with the institution of Functional Commissioners in 1977.

DIVISIONAL COMMISSIONER

Meaning

For the purpose of administrative convenience, a state is divided into divisions. Each division consists of four to six districts. Thus, a division can be called an administrative area between the districts and the state headquarters.

A divisional commissioner is the head of a division. He acts as a supervisory and directorial officer and occupies an intermediate position in the hierarchy between the district collector and the state secretariat.

A divisional commissioner represents the state government in his division. He is appointed by the state government. He is a senior member of the IAS.

The institution of divisional commissioner was created in 1829 by Lord William Bentick. At present, it exists in all the states except Tamil Nadu, Andhra Pradesh, Kerala, Rajasthan and Gujarat. In these states, the district collector directly deals with the state secretariat without an intermediary.

Functions

A divisional commissioner is the head of the divisional administration. However, the entire administration of the division is not subject to his control and supervision. His jurisdiction extends to revenue administration, law and order administration and development administration. Broadly speaking, his powers and functions are as follows:

1. He is the highest executive authority in the division. He supervises, guides and controls the various offices in the division, especially that of collectors, chief executive officers of zilla parishads, superintendents of police and municipal councils.
2. He is the head of revenue administration in the division. He hears appeals (in revenue matters) against the orders of the district collectors under his charge.
3. He is the chief coordinator at the divisional-level of the various organisations of the government and public.
4. He ensures proper and effective implementation of the various developmental schemes in the division. He removes bottlenecks in their smooth implementation.
5. He settles inter-departmental differences and disputes in the division. Thus, he acts as a trouble shooter and ensures inter-district coordination.

6. He is the head of law and order administration in the division. He is responsible for the maintenance of peace and jail administration. His approval is needed for the grant of certain types of licences for the firearms.
7. He undertakes periodical touring and inspects district, sub-divisional and tehsil offices. He deals with land reforms, survey and settlement, taccavi loans and other dues.
8. He looks into the integrity of the government officials. He ensures that they behave properly and courteously with the public. He tries to redress the public grievances.
9. He deals with all crisis and emergency situations. He supervises relief and rehabilitation operations. He issues necessary orders and provides guidance to the district collectors.
10. He supervises the functioning of panchayati raj bodies and municipal institutions in the division.

REGIONAL OFFICER

Meaning

Many executive departments (directorates) of the state government have their regional offices. The jurisdiction of a regional office extends to a number of districts ranging between three to seven. Thus, a regional office is an intermediate level administrative set-up between the state headquarters (directorates) and its district organisation.

A regional officer (by whatever name he is called) is the head (in-charge) of a regional office. The examples of regional officers are: Deputy Inspector General of Police who heads the range office (a region in case of the police department is called 'range'), Conservator of Forests who heads the range office (also called as circle office), Superintending Engineer of Public Works who heads the circle office, and Regional Transport Officer who heads the regional office. The other examples are: Deputy Director of Agriculture, Joint Director of Animal Husbandry, Regional Joint Director of Education, Superintending Engineer of Irrigation and so on.

A regional officer cannot be compared to a divisional commissioner whose activities are multi-functional. The jurisdiction of a regional officer, on the other hand, is limited to the activities of the concerned department in the region.

Notably, the territorial jurisdiction of regional offices of various executive departments are not co-terminus. This is because, each executive department creates its regional offices to suit its own peculiar requirements. Also, the territorial jurisdiction of a regional office may or may not be co-terminus with the division of a divisional commissioner.

Functions

The functions of a regional office include the following:

1. To supervise and control the work of the district level officers of the department
2. To relieve the head of the department of part of his work. This would enable him to concentrate on more important matters
3. To provide technical guidance to the district level functionaries of the department
4. To coordinate the work of the district level officers so as to facilitate the smooth

implementation of the policies and programmes

5. To act as an evaluation agency, i.e., measuring the achievement of targets by the field offices
6. To undertake an adequate number of tours and inspections to the field offices to identify their problems and difficulties
7. To maintain an active touch with the working of panchayati raj bodies under its region
8. To send a consolidated report to the head of the department on the functioning of departmental officers

DISTRICT COLLECTOR

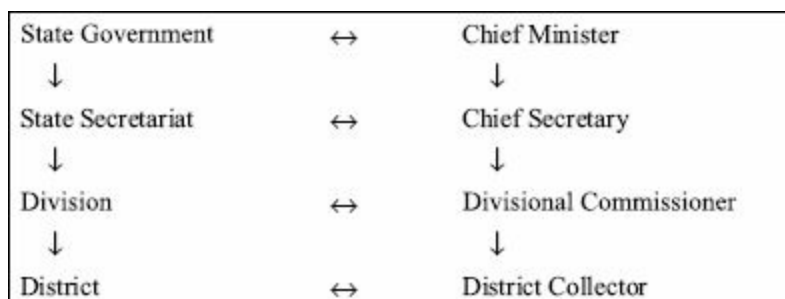
Position

A District Collector is also called a Deputy Commissioner in Karnataka, Assam, Punjab, Jammu & Kashmir and Haryana, and District Magistrate in West Bangal and Uttar Pradesh. The office of a District Collector is called as the Collectorate.

A District Collector is the head of district administration and the official agent of the state government in the district. The office of a District Collector is a unique as it has no parallels in the administrative systems of other countries except the office of Prefect in France. In France, the Prefect is the head of the department (i.e. the largest territorial unit of administration in France) and an official agent of the Central Government. The office of Prefect is called as the Prefectorate. Hence the French Prefect is considered as the nearest analogue of the District Collector in India.

The Revenue and General Administration Department and the Registration Department of the district administration are directly under the charge of District Collector. But his control, supervision and influence extend to all the other departments of district administration. He is a multi-purpose functionary around whom revolves the entire administration of the district.

The District Collector belongs to the General Administration Department of the state government (i.e. the State Secretariat) which is headed politically by the Chief Minister and administratively by the Chief Secretary. The collector is controlled and supervised by Divisional Commissioner. The place of Collector in the administrative system of a state can be illustrated by the following diagram.



Evolution

District is the basic geographical (i.e. territorial) unit of administration in India. The term 'District' is defined by the Oxford Dictionary as "a territory marked off for special administrative purposes."

Originally, the Constitution of India made no mention of the term 'district' except in Article 233, which mentioned the term 'district judges.' But the 73rd and 74th Amendment Acts of 1992 included the term district in the constitution at many places under Part IX and IXA which dealt with Panchayats and municipalities respectively.

“District Administration,” in the words of S.S. Khera, “is the total management of public affairs within this unit.... District Administration is that portion of public administration which functions within the territorial limits of a district.”

District as a territorial unit of administration in India has a long history beginning with the Mauryan Era. During the Mughal rule, a district was called *Sarkar* and it was headed by *Karori-Faujdar*, a military officer who functioned under the direct control of a *Subedar*.

The present day district administration and the office of District Collector came into existence in India under the British East India Company. This office was created in 1772 by Warren Hastings, the then Governor-General of India. In 1787, the Collector was made responsible for civil justice and magistracy in addition to revenue collection. He was a very powerful functionary and was described as a 'Little Napoleon'.

The Indian Statutory Commission (the Simon Commission–1930) remarked that the district collector “is in the eyes of most of its inhabitants, the government” while Ramsay MacDonald compared the District Collector to a tortoise on whose back stood the elephant of the Government of India. Lord Wavel said that the English would be remembered not by this institution or that, but by the ideals left behind in the form of the office of the District Collector.

After Independence, the office of District Collector suffered in terms of status and authority due to the following factors.

- (i) Expansion in the sphere of governmental activities and functions due to the replacement of 'police state' by 'welfare state'.
- (ii) Change in the form of government, that is, adoption of parliamentary government both at the Centre and in states.
- (iii) Change in the ends and objectives of the government, that is, welfare-orientation replaced colonial exploitation.
- (iv) The emergence of Panchayati Raj as a unit of local administration.
- (v) Separation of judiciary from the executive.
- (vi) Increasing political consciousness among people.
- (vii) The emergence and growth of a large number of departments in the district.
- (viii) Replacement of ICS by IAS.
- (ix) Role and influence of pressure groups and political parties.
- (x) Rise of Commissionerate system of law and order administration in big cities.

Role and Functions

The role played and the functions performed by the District Collector in district administration can be studied under the following heads.

Revenue Administration Historically, collection of revenue has been the first charge (function) of the District Collector as the very title Collector signifies. He is still the head of revenue administration in the district. He is responsible for the collection of revenue to the state government through the Board of Revenue or Revenue Tribunal in Maharashtra and Gujarat or Financial

Commissioner in Punjab, Haryana and Jammu & Kashmir. As the head of revenue administration in district, the Collector is responsible for the following functions.

- (i) To collect land revenue.
- (ii) To collect other government dues.
- (iii) To distribute and recover taccavi loans.
- (iv) To maintain land records.
- (v) To collect rural statistics.
- (vi) To exercise the power of land acquisition officer, that is, acquiring land for the purpose of colonisation, industry, slum clearance, capital construction and so on.
- (vii) To implement land reforms.
- (viii) To look after the welfare of the agriculturists.
- (ix) To make an assessment of losses of crops and recommend relief during natural calamities like fire, drought and flood.
- (x) To supervise treasury and sub-treasury.
- (ix) To enforce Stamp Act.
- (xii) To pay rehabilitation grant.
- (xiii) To manage government estates.
- (xiv) To hear revenue appeals against the orders of lower authorities.
- (xv) To pay *Zamindari* abolition compensation.

Law and Order Administration The maintenance of law and order in district is the principal duty of the District Collector. Before Independence, the District Collector acted as both, the Executive Magistrate and the Judicial Magistrate. As an Executive Magistrate, he was responsible for the maintenance of law and order and as a Judicial Magistrate, he was responsible for the trial of criminal and civil cases by interpreting the laws. After Independence, the judiciary has been separated from the executive in accordance with Article 50 of the Directive Principles of State Policy of the Indian Constitution. As a consequence, the role of Collector as a judicial magistrate came to an end. This function has been handed over to a new functionary called the district judge who works under the direct control of the State High Court.

The District Collector in his capacity as the district magistrate (i.e. executive magistrate) is ultimately responsible for the maintenance of law and order in the district. For this purpose, the district police force headed by the District Superintendent of Police is kept under the control, supervision and direction of the district magistrate. The Indian Police Act of 1861 vests the police administration of the district in the District Superintendent of Police under the control of the district magistrate. Thus there is a system of dual control of law and order administration in the district, that is, control by the district magistrate and control by the departmental line headed by the Director-General of Police.

The District Collector in his capacity as the district magistrate performs the following functions.

- (i) To control and supervise the subordinate magistracy.
- (ii) To issue orders when there is threat to public peace and order under section 144 of the Criminal Procedure Code.
- (iii) To dispose all the petitions received from the government and others.
- (iv) To release prisoners on parole.
- (v) To inspect the jails.
- (vi) To submit an annual criminal report to the government.

- (vii) To grant, suspend or cancel many kinds of licenses like arms, hotel, explosives, petroleum and others.
- (viii) To grant superior classes to prisoners.
- (ix) To supervise and control local bodies.
- (x) To control and direct the action of district police.
- (xi) To enforce Entertainment Tax Act, and Press Act.
- (xii) To call the armed forces to aid and assist the civil administration to deal with any abnormal situation in the district.
- (xiii) To prosecute offenders under the Factories Act and Trademark Act.
- (xiv) To order disposal of unclaimed property.
- (xv) To recommend schemes for the development of forests.

Development Administration Before Independence, the developmental role of a Collector was, not that important as British India was a 'police state' concerned mainly with the regulatory administration. After Independence and with the initiation of development planning strategy, the developmental role of a Collector became significant. He has become a pivotal figure in the implementation of development programmes. However, the position in this regard is not same in all the states. Broadly, there have emerged two distinct patterns of development administration in the district. One is the Tamilnadu, Rajasthan and other states' pattern and the other is the Maharashtra and Gujarat Pattern.

In the first pattern the Collector is made responsible both for regulatory and development administration. As such, he looks after revenue, magisterial and developmental activities in these states. All the district level officers engaged in the implementation of development programmes function under the supervision, guidance and leadership of the Collector. Even though, in technical matters they function under the control and supervision of their respective departments, in the actual implementation of their development programmes they are placed under the administrative control of the District Collector. In many states, the Collector is also designated as the District Development Officer and is authorised to write the Annual Confidential Report of the District level officers engaged in the development administration.

In the second pattern found in Maharashtra and Gujarat, the Collector is made responsible only for regulatory administration. The development administration in these states is made the responsibility of the Zila Parishad. All the District level officers engaged in the implementation of development programmes function under the administrative control and supervision of the Zila Parishad. For this purpose, the Zila Parishad has appointed the District Development Officer (or chief executive officer) who also belongs to the IAS. By this arrangement, the Collector is relieved of his responsibility in the developmental field.

An important dimension of the role of the Collector in the developmental field is his association with the District Rural Development Agency (DRDA). It should be noted here that the chief role of a Collector in the field of development administration is that of coordination—coordinating the activities of district level officers engaged in the implementation of development programmes.

However, the 73rd Constitutional Amendment Act of 1992 and the consequent Panchayati Raj Acts of 1993 and 1994 of various states have reduced the role of Collector in development administration.

Other Powers and Functions In addition to the above, the Collector also performs the following functions.

- (i) He acts as the Returning Officer for elections to parliamentary and state assembly

constituencies. Hence, he coordinates the election work at the district level.

- (ii) He acts as the District Census officer. Hence, he conducts the census operations once in ten years.
- (iii) He acts as the Chief Protocol Officer in a district.
- (iv) He presides over the District Plan Implementation Committee.
- (v) He acts as the official representative of the state government during ceremonial functions in the district.
- (vi) He acts as a kind of buffer between citizens and administration in the district.
- (vii) He supervises the municipal administration in the district.
- (viii) He acts as the Public Relations Officer of the government.
- (ix) He acts as the crisis administrator-in-chief during natural calamities and other emergencies.
- (x) As a head of district administration, he deals with personnel matters of the district staff.
- (ix) He is responsible for civil supplies—food and other essential commodities.
- (xii) He handles work pertaining to civil defence.
- (xiii) He maintains liaison with military authorities and looks after the welfare of both serving and retired members of the armed forces.

The Collectorate

A Collectorate is the office of District Collector located in the headquarter of the district. It is divided into various sections. Each section helps the Collector in the performance of his functions and fulfilment of his administrative responsibilities. The following are some of the sections of a typical Collectorate.

- Accounts Section
- Civil Supplies Section
- Development Section
- Election Section
- Establishment Section
- General Section
- Housing Section
- Intelligence Section
- Judicial Section
- Land Acquisition Section
- Land Record Section
- Land Reforms Section
- Panchayat Section
- Protocol Section
- Public Relations Section
- Revenue Section
- Rehabilitation Section
- Registration Section

- Statistical Section
- Transport Section

DEPARTMENTAL DISTRICT OFFICIALS

Majority of the state departments are represented at the district level. Each district department has its own head. The heads of these district departments are the technical personnel, that is, specialist civil servants. They are borne on the cadres of specialised state services created on departmental lines. They work under the control and supervision of their respective heads of state department (i.e. Director or Commissioner who head the Directorate). However, the District Collector, as a head of district administration, supervises and coordinates their work. Unlike the other district officials, the collector is a generalist civil servant, usually a member of IAS. The following table shows the departments and their heads in the district.

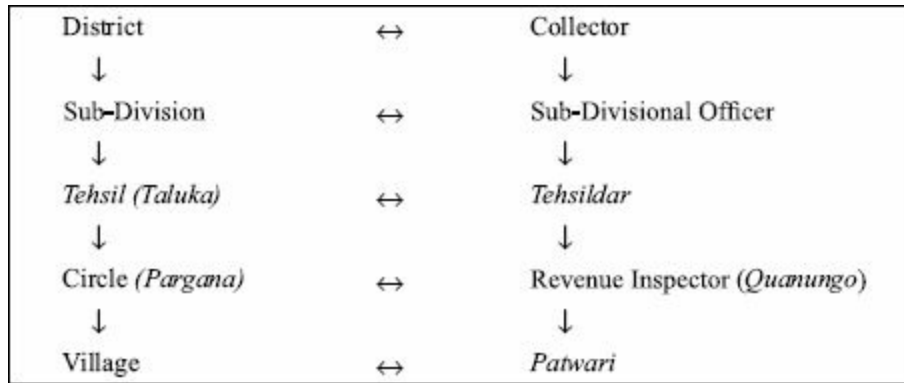
Table 6.1 District Departments and their Heads

<i>Sl. No.</i>	<i>Name of Department</i>	<i>Designation of the District Head</i>
1.	Revenue and General Administration Department	District Collector/Deputy Commissioner/District Magistrate
2.	Registration Department	— do —
3.	Police	Superintendent of Police
4.	Excise	Superintendent of Excise/District Excise Officer
5.	Medical	Civil Surgeon/District Medical Officer
6.	Public Health	District Health Officer
7.	Forest	District Forest Officer
8.	Education	Inspector of Schools/District Education Officer
9.	Cooperation	Assistant Registrar of Cooperative Societies
10.	Agriculture	Assistant Director of Agriculture/ District Agricultural Officer
11.	Industries	Assistant Director of Industries/District Industries Officer
12.	Judicial	District Judge/District and Sessions Judge
13.	Social Welfare	Social Welfare Officer/Backward Classes Welfare Officer
14.	Jails	Superintendent of Jails
15.	Labour	Assistant Commissioner of Labour/District Labour Officer
16.	Public Works	Executive Engineer
17.	Civil Supplies/Rationing	District Food and Civil Supply Officer
18.	Veterinary	District Veterinary Officer/Assistant Director of Veterinary Services
19.	Information/Publicity	District Information Officer/Assistant Director of Publicity
20.	Statistics	District Statistics Officer
21.	Employment	District Employment Officer
22.	Panchayats	District Panchayats Officer

23.	Treasury and Accounts	District Treasury Officer/District Accounts Officer
24.	Planning	District Planning Officer
25.	Sales Tax	District Sales Tax Officer

ADMINISTRATION BELOW THE DISTRICT LEVEL

The District Collector is the head of administration in the district. In the performance of his multifarious tasks he is assisted by the following hierarchy of functionaries.



Sub-Division Under the provisions of the Land Revenue Code and the Criminal Procedure Code, a district is territorially divided into a number of units for the purpose of revenue and criminal administration. The names of these units and their heads (i.e. officials-in-charge of them) differ from state to state as mentioned below in [Table 6.2](#).

Table 6.2 Names of Sub-divisions and their Heads

<i>States</i>	<i>Units</i>	<i>Heads</i>
(i) Uttar Pradesh	Sub-Division	Sub-Divisional Officer/Sub-Divisional Magistrate
(ii) Tamil Nadu	Revenue Division	Revenue Divisional Officer/Sub-Collector
(iii) Maharashtra	<i>Prant</i>	Prant Officer/Deputy Collector/Assistant Collector

The Sub-Divisional Officer (SDO) is either a member of IAS or State Civil (executive or administrative) Service and is appointed and controlled by the state government. Like the District Collector, he is a territorial officer, generalist administrator and a multipurpose functionary. He is vested with revenue, magisterial and executive powers. As the chief executive officer and the official representative of the state government he has to keep in touch with the activities of all departments of the government in the sub-division. He acts, on the one hand, as a link between the District Collector and the tehsildar in revenue matters and, on the other hand, between the district magistrate and the station police officer in matters pertaining to law and order. Thus he is the principal assistant and valuable field aide to the District Collector and is responsible to him for all aspects of administration in the sub-division.

The sub-divisions are of two types—the office type and the touring type. In the first type, which is prevalent in most states, the SDO has a permanent office located within the sub-division itself. In the second type, which is prevalent in few states like UP, the SDO does not maintain an office and

performs his functions as a touring officer. He resides at the district headquarters.

Tehsil Each sub-division is further territorially divided into a number of administrative units. The nomenclatures for these units and their officials-in-charge differ from state to state as mentioned below in [Table 6.3](#).

Table 6.3 Names of Tehsils and their Heads

	<i>States</i>	<i>Units</i>	<i>Heads</i>
(i)	Uttar Pradesh	<i>Tehsil</i>	<i>Tehsildar</i> (assisted by <i>Naib-Tehsildar</i>)
(ii)	Tamil Nadu	<i>Taluk</i>	<i>Tehsildar</i> (assisted by Deputy-Tehsildar)
(iii)	Maharashtra	<i>Taluka/Mahal</i>	<i>Mamlatdar/Mahalkar</i>

A tehsil is the basic unit for various aspects of administration like land revenue, land records, treasury, magistracy and so on. It is described as a ‘Miniature district’ as the offices of various field departments are located within it. However, certain states like Bihar and West Bengal have no tehsils and a sub-division is the unit below the district.

The *Tehsildar* belongs to the state civil service and is an officer of gazetted rank. Like Collector and SDO, he is a territorial officer, a generalist-administrator and a multi-purpose functionary. He is vested with revenue, megerial and executive powers. He is responsible for collection of revenue as well as maintenance of law and order in the *tehsil*. As a chief executive officer and as an official representative of the state government, he has to keep in touch with the activities of various departments of the government in the tehsil and coordinate their activities.

Circle Each *tehsil* is territorially divided into a number of units for the purpose of revenue administration. The names of these units and the officials in-charge of them differ from state to state as mentioned below in [Table 6.4](#).

Table 6.4 Names of Circles and their Heads

	<i>States</i>	<i>Units</i>	<i>Heads</i>
(i)	Uttar Pradesh	<i>Pargana</i>	<i>Kanungo</i>
(ii)	Tamil Nadu	<i>Firka</i>	Revenue Inspector
(iii)	Maharashtra	Circle	Circle Inspector

The *kanungo*/circle inspector is regarded as the first-line supervisor in the chain of revenue administration. He supervises revenue administration and land records of all the villages under his charge. He is generally appointed by the District Collector.

Village A village is the lowest and the ultimate unit for all administrative and fiscal purposes in all the states. In Tamil Nadu, the most important functionary in a village is called the village headman. He performs revenue, police, and general administrative duties and acts as the representative of the government in the village area. The functionary equal to him in Maharashtra is called as *patel*. In UP, there is no corresponding functionary. The *patwari* in Punjab, Himachal Pradesh, Haryana and Madhya Pradesh maintains the village revenue accounts and land records. He is thus the village accountant. He is called by various other names in other states, for instance, *lekhpal* in UP, *Karnam* (or *kanak pillai*) in Tamil Nadu and *talati* in Maharashtra. He is called as “the kingpin of revenue

DISTRICT RURAL DEVELOPMENT AGENCY

Functions

A District Rural Development Agency (DRDA) is the principal organ at the district level to manage and oversee the implementation of different anti-poverty programmes of the Union Ministry of Rural Development.

Since their inception in 1980, the administrative cost of the DRDAs were met by setting apart a certain percentage of the allocation from each programme. However, keeping in view the need for an effective agency at the district level to coordinate the anti-poverty programmes, a new centrally sponsored scheme for strengthening the DRDAs was introduced in 1999.

The primary objective of the scheme of DRDA administration is to strengthen and professionalise the DRDAs so that they are able to effectively enhance the quality of implementation of anti-poverty programmes of the Union Ministry of Rural Development.

The DRDAs are also expected to coordinate effectively with the line departments, Panchayati Raj institutions, banks and other financial institutions, the NGOs as well as technical institutions with a view to gathering support and resources required for poverty reduction effort in the district.

The role of DRDAs will be to facilitate the implementation of programmes, to supervise/oversee and monitor progress, to receive and send progress reports and maintain accounts of funds received for various rural development programmes.

The DRDAs are expected to deal only with the anti-poverty programmes of the Union Ministry of Rural Development. If DRDAs are entrusted with programmes of other ministries or those of the state governments, it should be ensured that these have a definite anti-poverty focus.

Organisation

Each district will have its own DRDA. The DRDA would be headed by a project director, who should be of the rank of an Additional District Magistrate. In respect of such states where DRDAs do not have a separate identity, a cell will be created in the zilla parishad to maintain separate accounts so that these are capable of being audited separately.

The chairman of zilla parishad would be the chairman of the governing body of the DRDA. The DRDA shall also have an executive committee.

The staffing structure of the DRDAs includes positions for planning for poverty alleviation, project formulation, social organisation and capacity building, gender concerns, engineering supervision and quality control, project monitoring, accounting and audit functions as well as evaluation and impact studies.

Each DRDA should have the following wings:

- (i) Self-employment Wing
- (ii) Women's Wing
- (iii) Wage Employment Wing
- (iv) Watershed Wing

- (v) Engineering Wing
- (vi) Accounts Wing
- (vii) Monitoring and Evaluation Wing, and
- (viii) General Administration Wing.

The DRDA should not have any permanent staff and should not resort to direct recruitment. The employees should be taken on deputation for specific periods to ensure better choice of staff and flexibility in staffing pattern.

The posts of project directors, project officers, assistant project officers and all technical posts should be manned by officers with proven capability and motivation selected in an objective manner by selection committees.

EVOLUTION OF CIVIL SERVICE

The term 'civil service' and the system called 'civil service system' were introduced in India for the first time by the Britishers during the East India Company rule (in 17th century). In the beginning, the servants of the Company who were engaged in its commercial affairs were called as 'civil servants' to distinguish them from the military and naval personnel of the Company. In 1675, the Company created a regular gradation of posts in the following manner (mentioned in the ascending manner).

- (i) Apprentice
- (ii) Writer
- (iii) Factor
- (iv) Junior Merchant
- (v) Senior Merchant

Later on, when the Company acquired control over territories, the civil servants also assumed administrative tasks. By 1765, the term 'civil servant' came to be used in the company's official records.

The efforts of Lord Warren Hastings and Lord Cornwallis led to the rise of civil service. Hastings laid the foundations of civil service and Cornwallis reformed, modernised and rationalised it. Hence, he (Cornwallis) came to be known as the 'Father of Civil Service' in India. He introduced the 'Covenanted civil services' (higher civil services) which were different from the 'Uncovenanted civil services' (lower civil services). The former was created by a law of the company, while the latter was created otherwise. However, he reserved all the covenanted services for the Europeans (i.e. English personnel) and thus excluded Indians from superior posts. This policy of Cornwallis was based on the following reasons.

- (i) He was doubtful about the integrity and ability of Indians.
- (ii) He thought that the task of establishing and consolidating the British rule in India could not be left to the natives.
- (iii) He believed that an administration based on the British model could be strongly established in India only by the Englishmen and not by the natives.
- (iv) He wanted to preserve the lucrative posts in civil services for the influential class of British society.

In 1800, Lord Wellesly (the then Governor-General) established a college at Fort William in Calcutta (presently Kolkata) to provide training to the civil servants of the Company. As this move of Wellesley was not favoured by the Court of Directors, (i.e. the governing body of the East India

Company) they established the East India College at Haileybury in England in 1806 for the same purpose.

The Charter Act of 1833 attempted to introduce a system of open competition as the basis of selection of civil servants of the Company, and stated that the Indians should not be debarred from holding any place, office and employment under the Company. However, this provision of the Act was negated due to the opposition of the Court of Directors which wanted to continue the patronage system.

Macauley Committee The Charter Act of 1853 abolished the patronage system and introduced an open Competition system as a basis of selection and recruitment of civil servants of the Company. Thus, the Court of Directors was deprived of its patronage power and the covenanted civil service was thrown open to competition to the Indians also under the rules to be framed by the Board of Control. Accordingly, the Macauley Committee (the committee on the Indian civil service) was appointed in 1854 to suggest measures to give effect to the above provisions of the Act.

The committee made the following recommendations in its report submitted in 1854.

- (i) An open competition system should be adopted for recruitment to the civil services.
- (ii) The age of candidates for admission to the tests should be 18 to 23 years.
- (iii) The competitive examinations should be held in London.
- (iv) There should be a probationary period for the candidates before they are finally appointed.
- (v) The East India College at Haileybury should be abolished.
- (vi) The competitive examination should be of a high standard and should ensure the selection of candidates with thorough knowledge.

All the above recommendations were accepted and implemented by the Board of Control. The first competitive examination was held in London in 1855 under the Board of Control. Later on in 1858, this responsibility was transferred to the British Civil Service Commission (set up in 1855). Similarly, the East India College was abolished in 1858 and training to the civil servants was imparted in British universities. However, the first Indian (Satyendranath Tagore) could enter into the covenanted civil service only in 1864.

The Indian Civil Service Act of 1861 provided for the reservation of certain principal posts for members of the covenanted service. The next statutory Civil Service Act of 1870 remedied the defects of 1861 Act and provided for the Indianisation of services. However, it could be implemented only in 1879 by Lord Lytton, the then Viceroy.

Aitchison Commission In 1886, Public Service Commission under the chairmanship of Charles Aitchison was appointed to devise a scheme to do full justice to the claims of Indians to higher and more extensive employment in public service. The Aitchison Commission made the following recommendations in its report submitted in 1887.

- (i) The two-tier classification of civil services into covenanted and uncovenanted should be replaced by a three-tier classification *viz.* imperial, provincial and subordinate civil services.
- (ii) The maximum age for entry into civil services should be fixed at 23 years.
- (iii) The statutory civil service system of recruitment should be abolished.
- (iv) The competitive examination should not be held simultaneously in England and India.
- (v) Certain percentage of the posts in the imperial civil service should be filled by promotion of the members of the provincial civil service.

The above recommendations of the Commission were largely accepted and implemented. The

statutory civil service was abolished in 1892.

Islington Commission Again in 1912, Royal Commission on public services in India under the chairmanship of Lord Islington was appointed. The Islington Commission made the following recommendations in its report submitted in 1915:

- (i) Recruitment to the superior posts should be made partly in England and partly in India. But, it did not favour the idea of holding the competitive examinations simultaneously in England and India.
- (ii) 25 per cent of the superior posts should be filled by Indians partly by direct recruitment and partly by promotion.
- (iii) The services under the Government of India should be categorised into Class I and Class II.
- (iv) The principle of maintenance of efficiency should be adopted while fixing the salaries of civil servants.
- (v) There should be a probationary period of two years for direct recruits. For the ICS, it should be three years.

The report of the commission could be published only in 1917, when the recommendations contained in it became out-dated due to the first World War and the August Declaration of 1917. Hence, no serious consideration was given to them.

Montford Report The next milestone in the evolution of civil service was the Montague–Chelmsford Report (or Montford Report or Report on Indian Constitutional Reforms) of 1918 which made the following recommendations:

- (i) 33 percent of the superior posts should be recruited in India and this percentage should be increased by 1.5 per cent annually.
- (ii) The competitive examinations should be held simultaneously in England and India.
- (iii) The members of the ICS should be given fair salary, pension benefits and allowances.

The above recommendations were accepted and implemented by enacting the Government of India Act of 1919. On the eve of this Act, the following nine All-India Services existed:

- (i) Indian Civil Service
- (ii) Indian Police Service
- (iii) Indian Forest Service
- (iv) Indian Forest Engineering Service
- (v) Indian Service of Engineers
- (vi) Indian Civil Veterinary Service
- (vii) Indian Medical Service
- (viii) Indian Educational Service
- (ix) Indian Agricultural Service

The last to be added to the list of All-India Services was the Indian Agricultural Service in 1906–1907. The members of these services were recruited and controlled by the Secretary of State for India. Hence, these services were also known as the Secretary of State's Services. Notably, the term 'All-India Service' was first coined in 1918 by the Committee on Division of Functions (Chairman – M E Gauntlett).

As a result of the reforms of 1918 and 1919, the first competitive examination (the ICS examination) was held in India (at Allahabad) in 1922 under the supervision of the British Civil

Service Commission. By this time, five methods of entry into the Superior Civil Services came into existence. They were:

- (i) By open competitive examinations held in England;
- (ii) By separate competitive examinations held in India;
- (iii) By appointments from the Bar (in case of judicial positions);
- (iv) By promotion from the provincial civil services; and
- (v) By nomination (in India) to facilitate communal and provincial representation.

In 1922, a Staff Selection Board was set up by the Government of India for the recruitment to the lower services. It functioned till 1926, when its functions were taken over by the newly established public service commission.

Lee Commission In 1923, the Royal Commission on superior civil services in India under the chairmanship of Lord Viscount Lee was appointed. The Commission made the following recommendations in its report submitted in 1924.

- (i) The Indian Civil Service, Indian Police Service, Indian Medical Service, Indian Service of Engineers (irrigation branch) and Indian Forest Service (except in the Bombay province) should be retained. The members of these services were continued to be appointed as well as controlled by the Secretary of State for India.
- (ii) No further recruitment should be made to other all-India services *viz.*, the Indian Agricultural Service, Indian Veterinary Service, Indian Educational Service, Indian Service of Engineers (roads and building branch) and Indian Forest service (only in Bombay province). The members of these services should in future be appointed and controlled by the provincial governments.
- (iii) For effecting Indianisation of services, twenty per cent of the superior posts should be filled by promotion from the provincial civil service. Direct recruitments should be in equal proportions for Indians and Englishmen so that a ratio of 50 : 50 is produced in about 15 years.
- (iv) The British officers should be allowed to retire on proportionate pensions if they are not willing to work under Indian ministers.
- (v) A public service commission, as provided by the Government of India Act of 1919, should be established.

The above recommendations were accepted and implemented by the British Government, as result of which a Central Public Service Commission was set up in 1926 and entrusted with the task of recruiting civil servants. The commission was composed of a chairman and four other members. Sir Ross Barker, a senior member of the British Home Civil Service, was the first chairman. In 1937 (when the 1935 Act became operative), the commission was replaced by the Federal Public Service Commission which was finally replaced by the UPSC on January 26, 1950 (when the Constitution of India came into force).

The Government of India Act of 1935 provided for the protection of the rights and privileges of the members of civil services. It also provided for the establishment of not only a Federal Public Service Commission but also a Provincial Public Service Commission and Joint Public Service Commission for two or more provinces.

In 1947, there were only two all-India services—the Indian Civil Service and the Indian Police Service. In addition, there were various Central and state services. The Central services were

classified into four categories—Class I, Class II, Subordinate, and Inferior services.

ALL-INDIA AND CENTRAL SERVICES

All-India Services

All-India Services are those services which are common to both Central and state governments. It must be mentioned here that the Central and state governments have their separate services called the Central Services and the State Services respectively. Thus, the All-India Services are in addition to the Central and State Services.

At present, there are three All-India Services. They are:

- Indian Administrative Service (IAS)
- Indian Police Service (IPS)
- Indian Forest Service (IFS)

In 1947, Indian Civil Service (ICS) was replaced by IAS, and the Indian Police (IP) was replaced by IPS and were recognised by the Constitution as All-India Services. In 1963, three more All-India Services were created. They are:

- Indian Forest Service
- Indian Medical and Health Service
- Indian Service of Engineers

However, out of these three, only the Indian Forest Service came into existence in 1966. At present, there are only three All-India Services— IAS, IPS and IFS.

Article 312 of the Constitution authorises the Parliament of India to create new All-India Services on the basis of a resolution passed by Rajya Sabha to that effect. Thus, a new All-India Service can be created only by an Act of Parliament and not by a resolution of Rajya Sabha. However, the Parliament cannot do so without the recommendation of Rajya Sabha. This power is given to the Rajya Sabha to protect the interests of states in the Indian federal system.

Interestingly, the Drafting Committee of the Constituent Assembly did not provide a constitutional status to the All-India Services. Accordingly, the Draft Constitution did not make any mention of the All-India Services. However, the Constituent Assembly included provisions with respect to the All-India Services which were approved. These provisions (under Article 312) not only gave a constitutional status to the All-India Services but also provided for the creation of new All-India Services. Sardar Vallabhbhai Patel was the chief protagonist of All-India Services in the Constituent Assembly. Hence, he came to be regarded as the ‘Father of All-India Services’.

The All-India Services Act of 1951 authorised the Central Government to make rules in consultation with the state governments for the regulation of recruitment and service conditions of the members of All-India Services. The members of these Services are recruited and trained by the Central Government but are assigned to different states for work. They are borne on different state cadres; the Centre having no cadre of its own in this regard. They serve the Central Government on deputation and after completing their fixed tenure they go back to their respective states. The Central Government obtains the services of these officers on deputation under the well-known tenure system. It must be mentioned here that irrespective of their division among different states, each of these All-India Services form a single service with common rights and status and uniform scales of pay

throughout the country. All the three All-India Services are Class-I (Group-A) Services.

The All-India Services have three categories. They are:

- Super time scale
- Senior scale
- Junior scale

In the beginning, the officers are appointed in the junior scale. In the course of time, they are placed in the senior scale and the super time scale.

The three All-India Services are managed and controlled by three different Ministries of the Central Government. They are:

- IAS by the Ministry of Personnel
- IPS by the Ministry of Home
- IFS by the Ministry of Environment and Forests

It must be mentioned here that the All-India Services are controlled jointly by the Central and state governments. The ultimate control lies with the Central Government while the immediate control vests with the state governments. Their salaries and pensions are met by the states. But the disciplinary action (imposition of penalties) against these officers can only be taken by the Central Government.

Presently, there are 24 state cadres in all for the All-India Services. This includes three joint cadres— (i) Assam and Meghalaya, (ii) Manipur and Tripura, and (iii) Arunachal Pradesh, Goa, Mizoram and the Union Territories (AGMUT). The authorised cadre strength of the three All-India Services in all the states is mentioned in [Table 7.1](#).

Table 7.1 Authorised Strength of All-India Services

<i>Sl. No.</i>	<i>Name</i>	<i>1971</i>	<i>1984</i>	<i>1996</i>	<i>2001</i>	<i>2013</i>
1.	I A S	3203	5047	5067	5159	6217
2.	I P S	1790	2679	3344	3498	4730
3.	I F S	1097	2006	2672	2756	3109

Central Services

The personnel of Central Services work under the exclusive jurisdiction of the Central Government. They man specialised (functional and technical) positions in various departments of the Central Government. Most of them are controlled and managed by their respective ministries/departments, while a few of them are controlled and managed by the Ministry of Personnel. It (Ministry of Personnel) also determines the general policies pertaining to all the Central Services. In fact, the Ministry of Personnel is the central personnel agency in the Government of India.

The Central Services consists of the Central Civil Services and the General Central Service. The Central Civil Services are the established Services while the General Central Service comprise the Central civil posts which are created outside the established services, that is, not included in any Central Civil Service.

Before Independence, the Central Services were classified into Class I, Class II, Subordinate and Inferior services. The nomenclature of Subordinate and Inferior Services was replaced by Class III

and Class IV Services on the recommendation of the First Pay Commission (1946–1947). Again in 1974, the classification of Central Services into Class I, Class II, Class III and Class IV was changed to Group A, Group B, Group C and Group D, respectively. This was done on the recommendation of the Third Pay Commission (1970–1973). Thus, as of now, the Central Services (i.e. both established as well as general) are classified into four categories. They are:

- Central Services, Group A
- Central Services, Group B
- Central Services, Group C
- Central Services, Group D

The Group A Central Services are listed below:

1. Indian Foreign Service
2. Indian P&T Accounts and Finance Service
3. Indian Postal Service
4. Indian Railway Accounts Service
5. Indian Railway Personnel Service
6. Indian Railway Traffic Service
7. Indian Audit and Accounts Service
8. Central Information Service
9. Indian Defence Accounts Service
10. Defence Lands and Cantonment Service
11. Indian Ordnance Factories Service (Non-Technical)
12. Indian Civil Accounts Service
13. Indian Revenue Service (Income Tax)
14. Indian Customs and Central Excise Service
15. Central Secretariat Service
16. Indian Railway Service of Mechanical Engineers
17. Indian Railway Service of Electrical Engineers
18. Indian Railway Service of Engineers
19. Indian Railway Service of Signal Engineers
20. Indian Railway Stores Service
21. Indian Telecommunication Service
22. Central Trade Service
23. Indian Defence Estates Service
24. Military Engineering Service
25. Indian Ordnance Factories Service (Technical)
26. Indian Naval Armament Service
27. Central Power Engineering Service
28. Indian Supply Service
29. Indian Inspection Service
30. Indian Salt Service
31. Central Electrical and Mechanical Engineering Service
32. Central Water Engineering Service (Civil)
33. Central Engineering Service
34. Central Engineering Service (Roads)
35. Border Roads Engineering Service

36. Indian Broadcasting (Engs.) Service
37. Overseas Communication Service
38. Central Health Service
39. Railway Medical Service
40. Indian Ordnance Factories Health Service
41. Indian Economic Service
42. Indian Statistical Service
43. Indian Cost Accounts Service
44. Defence Quality Assurance Service
45. Defence Research and Development Service
46. Defence Aeronautical Quality Assurance Service
47. Central Legal Service
48. Company Law Board Service
49. Survey of India Service
50. Military Engineers Service of Architects
51. Military Engineers Service of Surveyors
52. Central Water Engineering Service (Mechanical)
53. Indian Defence Service of Engineers
54. P & T Building Works Service
55. Central Labour Service
56. Railway Protection Force
57. Indian Broadcasting (Programme) Service
58. Armed Forces Headquarters Civil Service

Most of the above cadres of Group A Central Services have also corresponding Group B Services. The Group C Central Services consists of clerical personnel while Group D consists of manual personnel. Thus Group A and Group B comprises of gazetted officers while Group C and Group D are non-gazetted class.

It must also be mentioned here that the Indian Foreign Service (IFS) is the top most Central Service in terms of prestige, status, pay and emoluments. In fact, it (though a Central Service) competes with the All-India Services in position, status and pay scales. It comes next to the IAS in ranking and its pay scale is higher than the IPS. It is managed by the Ministry of External Affairs. Its recruits serve the Indian missions and embassies abroad.

ROLE OF ALL-INDIA SERVICES

Rationale

The arguments put forward in favour of the All-India Services are:

National Integration They promote national integration as the members of these services possess an all-India outlook. As they are usually posted in states other than their own, they can function beyond the regional, linguistic and communal interests.

Efficiency They help in maintaining high standard of administration in terms of administrative

efficiency in the Centre as well as in states. During the British period, they were called the 'Steel-frame of administrative structure'.

Uniformity They help to ensure uniformity of the administrative system throughout the nation. The members of these services are rotated between the Centre and the states.

Co-operative Federalism They facilitate liaison, cooperation, coordination and joint action on the issues and problems of common interest, between the Centre and the states.

Repository of Talent They attract the best talent in the country due to the wide field of recruitment, high remuneration, status and prestige.

President's Rule When the President's Rule is in operation in any state, he can depend on the loyalty and cooperation of these offices for efficient administration. This is because, they are appointed and removed only by the President of India.

Independence They promote independence and impartiality of civil service at the highest level. As members of these services enjoy the constitutional safeguards, they are free from regional and local pressures and influences. Hence, they can afford to give free and frank advice to the state ministers.

Rich Experience They facilitate the interchange of rich experience among different states. It must be mentioned here that the officers of all-India Services serve not only the state governments and Central Government but the union territories and local governments as well (both urban and rural). Thus their rich experience can be used for the benefit of the whole country.

Beneficial to States The talent mobilised through national recruitment to these services is distributed among the states. Hence, the states which are deficient in their manpower supply to fill the high and strategic positions will be benefitted.

Continuity They are the continuation of the old administrative arrangement developed during the British period. The members of these services during the British rule constituted the highest rung of the administrative hierarchy. The IAS, the only multi-purpose All-India Service, is the direct descendent of the erstwhile ICS which was called as the 'Heaven-born Service'.

Criticism

The arguments put forward against the All-India Services are:

Hang-over of the Past These services were created during the period of British rule in India. At that time, the structure of government was unitary and nature of state was authoritarian. After independence, the structure of government and the nature of state underwent a radical transformation. In this changed scenario, the All-India Services have no place.

Against Federation These Services are against the federal system of government provided by the Constitution. They restrict the autonomy and patronage of the states. Since 1950, they have been an point of dispute and problem area between the Centre and states. The states have not supported the creation of more All-India Services inspite of a constitutional provision in this regard. In fact, the Rajamannar Committee (constituted by the Tamil Government in 1969) in its report of 1971

recommended for the abolition of IAS and IPS.

Violates Ministerial Responsibility These Services violates the principle of ministerial responsibility at the state level. The ministers in the states have to work with the aid and advise of those civil servants (Secretaries) who are appointed and trained by the Central Government, which also enjoys the ultimate control over them.

Unequal Representation The states of Indian Union are not equally represented in these Services. The states of the Punjab, UP, Bihar, Tamil Nadu, Andhra Pradesh are represented more than others. Thus they lack the national character due to regional loyalties.

Financial Burden These Services involve larger expenditure on state governments due to high salary scales. This is done to attract the best talent from all over the country and to maintain their efficiency.

Demoralises State Services The service conditions of All-India Services including pay and promotional avenues are very favourable compared to the State Services. Also, the members of State Services are made to work under the officers of All-India Services. All this demoralises the State Services.

No Familiarity The members of the All-India Services who come from outside the state may not be familiar with the local language, culture and general environment. Hence, they cannot understand the problems of the people properly.

Disadvantageous to Sons of the Soil The continuation and creation of new All-India Services hampers the effective spread of State Services. They reduce employment opportunities for the local people, that is, 'Sons of the Soil'. This theory of the 'Sons of the Soil' is an offshoot of growing regionalism in our country.

Lacks Specialisation The All-India Services, especially IAS, do not facilitate specialisation which is so essential in the modern age. It is said that the IAS officers are 'Jack of all trades but master of none'. This point is also recognised by the Administrative Reforms Commission (1966–1970) of India which recommended that a functional field should be carved out for the IAS.

RECRUITMENT TO HIGHER SERVICES

System of Recruitment

The present system of recruitment to All-India Services and higher Central Services in our country is based on the recommendations made by the following committees.

- (i) The Macauley Committee
- (ii) The Kothari Committee
- (iii) The Satish Chandra Committee
- (iv) The Khanna Committee
- (v) The Nigavekar Committee

It must also be mentioned here that the Alagh Committee (2000–2001), the Hota Committee (2004) and the Second Administrative Reforms Commission (2005–2009) have also reviewed the system of recruitment to All-India Services and higher Central Services and suggested various changes.

The report of the Macaulay Committee on the Indian civil service laid down the basic policy governing recruitment to civil service for the first time in 1854. The most important aspects of this policy were the system of open competition and the scholastic nature of the examination.

The present scheme of examination to test the merit and suitability of candidates for direct recruitment to the All-India Services and higher Central Services is laid down by the Kothari Committee and the Satish Chandra Committee. However, the basic policy laid down, and the philosophy of recruitment advocated by the Macaulay Committee continues to influence the system.

The Committee on Recruitment Policy and Selection Methods under the Chairmanship of D.S. Kothari was appointed by the UPSC in 1974. It submitted its report in 1976. The Government accepted most of its recommendations in 1978 and implemented them in 1979. Thus the new system of competitive examination came into existence in 1979. Only in 1993, some changes were introduced in this system on the recommendations of the Satish Chandra Committee.

The Committee on the Recruitment Policy and Selection Methods for All-India and Central Services under the Chairmanship of Satish Chandra was appointed by UPSC in 1988. It submitted its report in 1989. The Government implemented some of its recommendations in 1993. The main changes effected are the introduction of an essay paper carrying 200 marks and increase in the marks for the interview test from 250 to 300.

In 2011, the UPSC changed the pattern and syllabus of the Civil Services Preliminary Examination. In the old scheme (before 2011), there was one paper of General Studies which carried 150 marks and a second paper where the candidate had the option to choose from 23 optional papers, carrying 300 marks. Under the new and revised pattern, there are two common and compulsory papers of 200 marks each. In other words, the optional paper has been replaced with another General Studies paper. These changes were made on the basis of the recommendations of a Committee headed by S.K. Khanna, Ex-Vice Chairman of UGC. This Committee was constituted in 2010 to review the scheme of Civil Services Preliminary Examination and suggest necessary changes.

Subsequently, the UPSC formed another Committee (in 2011) under the Chairmanship of Arun S. Nigavekar, Ex-Chairman of UGC, to review the scheme of Civil Services Main Examination and suggest necessary changes. The terms of reference of the Committee were as follows:

1. To identify the desired profile including the skill sets for the Civil Servants to enable them to deliver good governance in the fast changing domestic and global socio-economic and technological scenario.
2. To study the various selection methods currently in vogue globally for selection of Civil Servants.
3. To propose appropriate mechanisms and methodologies for selecting candidates with desired profile and skill sets indicated in (i) above suited to Indian context for the next decade.
4. To recommend a system for evaluation of the effectiveness of selection methodology adopted by the Commission and the periodicity in which corrective action, if any, may be made in the selection methodology; for ensuring that it keeps pace with the changing requirements of the Services.
5. To recommend the role of the Commission in the assessment of performance of the candidates recommended by it during and at the end of the mandatory training period and in particular, where such assessments have the effect of altering the initial merit order recommended by the

Commission as also where it is proposed to extend or terminate the probation of a direct recruit on the basis of unsuitability for Civil Service.

6. Any other issue which the Committee may feel relevant to the process of selection of Civil Servants for the country or which may be referred to the Committee by the Commission.

The Nigavekar Committee submitted its report in 2012. Based on these recommendations, the UPSC introduced changes in the scheme of Civil Services Main Examination from the year 2013. In the new and revised format, the weightage of General Studies has been increased and one optional subject (consisting of two papers) has been dropped. In effect, there are now four General Studies papers and only one optional subject (with two papers).

Scheme of Examination

The Competitive examination conducted by the UPSC for direct recruitment to All India Services and higher Central Services is known as the 'Civil Services Examination'. Its salient features are:

Single Examination The civil services examination is a single and combined examination for recruitment to the Indian Administrative Service (IAS), Indian Police Service (IPS), Indian Foreign Service (IFS) and the other higher Central Services (i.e. Group A and Group B). Before 1979, there used to be three separate examinations, one for the Indian Administrative Service (IAS) and the Indian Foreign Service (IFS), another for the Indian Police Service (IPS) and the Class II Police Services of the Union Territories and a third one for the Central Services.

Nationality For both, IAS and IPS, a candidate must be a citizen of India.

For other services, a candidate must be either a citizen of India or a subject of Nepal or a subject of Bhutan or a Tibetan refugee who came to India before 1962 with the intention of permanently settling in India or a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, Kenya, Uganda, Tanzania, Zambia, Malawi, Zaire, Ethiopia and Vietnam with the intention of permanently settling in India. However, candidates belonging to these categories except the first one (i.e. a citizen of India) and the last one (i.e. migration) are not eligible for appointment to the Indian Foreign Service.

Age Limits A candidate must be a minimum of 21 years and a maximum of 32 years of age. However, the upper age limit is relaxable for the SC/ST candidates by five years and for the OBC candidates by three years. It must also be mentioned here that the age limit recommended by the Kothari Committee was 21–26 years.

Educational Qualifications A candidate must hold a degree from any of the universities incorporated by an Act of the central or state Legislature in India or other educational institutions established by an Act of Parliament or declared to be deemed as a university under the University Grants Commission Act of 1956 or must possess an equivalent qualification (i.e. professional or technical degree).

Number of Attempts Every candidate is permitted six attempts at the examination. But the number of attempts permitted to OBC candidates is nine. Further, the restriction on the number of attempts is not applicable to the SC/ST candidates. Thus, the SC/ST candidates can have any number of attempts within the prescribed age limits, that is, 21 to 37 years. It must also be noted here that the Kothari

Committee had recommended only two attempts for both, the General and the SC/ST candidates.

Plan of Examination The Civil Services Examination consists of two successive stages called the Preliminary Examination and the Main Examination. The Preliminary Examination is meant for the selection of candidates for the Main Examination, while the Main Examination is meant for the selection of candidates for various services and posts.

Preliminary Examination It consists of two papers. They are:

Paper I	General Studies	200 Marks
Paper II	General Studies	<u>200 Marks</u>
	Total	<u>400 Marks</u>

Both the question papers are of objective type (i.e. multiple choice questions). The question papers are set both in Hindi and English. Each paper is of two hours' duration. However, the marks secured in this examination are not counted for the final ranking of the candidate. It is meant to serve as a screening test only.

Main Examination It consists of two parts—written examination and interview test. The written examination consists of the following papers:

Paper – A	Indian Language	300 Marks
Paper – B	English	300 Marks
Paper – I	Essay	250 Marks
Paper – II	General Studies-I	250 Marks
Paper – III	General Studies-II	250 Marks
Paper – IV	General Studies-III	250 Marks
Paper – V	General Studies-IV	250 Marks
Paper – VI	Optional Subject (Paper-1)	250 Marks
Paper – VII	Optional Subject (Paper-2)	<u>250 Marks</u>
	Sub-Total (written test)	2350 Marks
	Interview Test (Personality Test)	<u>275 Marks</u>
	Grand Total	<u>2625 Marks</u>

The marks obtained in Indian Language and English papers are not counted for ranking. Also, Indian Language paper is not compulsory for the candidates hailing from the state of Sikkim and the north eastern states of Arunachal Pradesh, Manipur, Meghalaya, Mizoram and Nagaland. The question papers for all the subjects for written examination are of conventional (essay) type. Each paper is of three hours' duration. The candidates can answer all the question papers except the language papers (i.e. Paper-A and Paper-B) in any one of the languages mentioned in the Eight Schedule of the Constitution of India, or in English. However, all the question papers (other than language papers) are set only in Hindi and English.

Interview Test It aims at assessing personal suitability of the applicant for a career in civil services. The qualities judged by an interview test includes mental alertness, critical powers of assimilation, clear and logical exposition, balance of judgement, variety and depth of interest, ability for social cohesion and leadership, and intellectual and moral integrity.

It should be noted here that A.D. Gorwala (in his Report on Public Administration–1951) advocated the need for psychological tests in the method of recruitment to the higher civil services in India.

Selection of Candidates The marks secured by candidates in the written examination (i.e. essay, general studies and optional subject, totalling to 1750 marks) and the interview test (275 marks) would determine their final ranking. The candidates are allotted various services keeping in view their ranks in the Main Examination. Of course, the preferences expressed by the candidates for various services are also considered.

In addition to the Preliminary and Main Examinations, the Kothari Commission had also recommended another level (i.e. a third level) of examination called Post-Training Test. It suggested that there should be a post-training test on completion of training at the LBS National Academy of Administration, Mussorie. The allocation of candidates to various services should be made on the basis of marks obtained by them in both the Main Examination and the Post-Training Test. However, the government rejected this recommendation on the ground that this would involve reorganisation of the LBS National Academy of Administration.

The UPSC submits the list of the successful candidates arranged in the order of merit to the Ministry of Personnel. The Ministry of External Affairs gets the first choice to choose the required quota for the Indian Foreign Service (IFS). After that, the Ministry of Personnel selects the candidates for the IAS. Then, the candidates for the IPS are chosen by the Ministry of Home Affairs. This is followed by other ministries/departments in a fixed order.

It is important to mention here that the combined competitive examination described above does not cover the Indian Forest Service (IFS), which is also an All-India Service. For this, the UPSC conducts a separate examination which consists of a written test and an interview test.

Apart from this direct recruitment, a method of recruitment by promotion is also followed. The All-India Services Act of 1951 specifies that senior duty posts not exceeding $33\frac{1}{3}$ per cent in the Indian Administrative Services (IAS), Indian Police Service (IPS) and Indian Forest Service (IFS), are required to be filled in by promotion of officers employed in the State Services. Such promotions are made on the recommendations of the Selection Committee constituted for this purpose in each state. Each such Committee is presided over by the Chairman or a member of UPSC.

Therefore, the IAS—the top most All-India Service—consists of officers recruited by the following three methods:

- (i) By direct recruitment through a combined, open, competitive Civil Services examination.
- (ii) By indirect recruitment, that is, promotion of officers of State Civil Services.
- (iii) By special selections from those holding gazetted posts under state governments but who are not members of the State Administrative Services.

TRAINING OF CIVIL SERVANTS

Training of IAS

Before the Independence, the Indian Civil Service (ICS) probationers were given general training in four British Universities of Oxford, Cambridge, London and Dublin for a period of one to two years. During the Second World War, when it was not possible to do so, a temporary training camp was

organised at Dehra Dun.

After the Independence, the ICS was converted into the IAS, and IAS Training School was set up in 1947 at the Metcalfe House in Delhi. It provided one year multi-purpose training to the IAS probationers. In 1957, the IAS Staff College was established at Simla to provide a refresher training course for senior IAS officers of six to ten years' service. Both these training institutions of Delhi and Simla were merged in 1959 to set up the National Academy of Administration at Mussoorie. Since then, this academy has been imparting training to the IAS probationers.

The various components of the induction training programme for IAS are:

(i) Foundational training	4 Months
(ii) Professional training (first spell)	5 Months
(iii) District training in the state	12 Months
(iv) Professional training (second spell)	<u>3 Months</u>
Total	<u>24 Months</u>

The foundational training course organised by the National Academy is a combined training course for the new entrants (called probationers) of All India Services, that is, IAS, IPS and IFS (Indian Forest Service) and Central Services Group A (including Indian Foreign Service), except the Central Secretariat Service. This combined course under a common roof is imparted with the following objectives.

- (i) To develop a feeling of belongingness (*esprit de corps*) and a broad common outlook among the members of the higher civil services.
- (ii) To provide an understanding of the constitutional, economic, social, political, legal, administrative, historical and cultural context within which the administrators have to function and make their contributions.
- (iii) To inculcate professional, administrative and human values among the probationers.

After the completion of the foundational course, the probationers of other services are sent to their respective training institutes for professional training, while the IAS probationers continue to stay at the Academy for their professional training (also called institutional training). In 1969, professional training programme for the IAS probationers underwent a change with the introduction of a 'sandwich' course on the recommendation of the ARC. Since then, the IAS probationers are required to undergo two spells of professional (institutional) training at the Academy with a gap of one year between them. This gap is utilised for district training (i.e. field training or practical training) in the states.

During the first spell of institutional training, the IAS probationers study in more detail the problems of Indian administration, district administration, Indian Penal Code, Criminal Procedure Code, constitutional and legal system, economic planning, and others. After this, they are sent to their allotted state for field training. The posting of an IAS probationer in the state is decided by the Chief Secretary of the state government. The components of this training are mentioned below.

- (i) Institutional training at the state training school
- (ii) Practical training in the district under the supervision of a Collector
- (iii) Training at the State Secretariat

At the end of this one year field training in the state, the probationers return to the National Academy to undergo a second spell of the professional training. At this stage, the probationers focus on the discussion of administrative problems and issues they were confronted with or they observed

during the course of their practical training in the state. The training at this stage is more problem-oriented. At the end of this training, the probationer has to pass an examination conducted by the UPSC. He now becomes an officer and is sent to the allotted state.

Training of IPS

The various components of the induction training programme for IPS are:

(i) Foundational training	4 Months
(ii) Professional training (first spell)	12 Months
(iii) District training in the States	8 Months
(iv) Professional training (second spell)	<u>3 Months</u>
Total	<u>27 Months</u>

The foundational training to the IPS probationers is imparted at the LBS National Academy of Administration (Mussoorie), alongwith the probationers of other All-India and Central Services.

After the completion of the combined foundational course, the IPS probationers are sent to the Sardar Vallabhbhai Patel National Police Academy (Hyderabad) for professional training (i.e. institutional training). In 1986, the professional training programme for the IPS probationers underwent a change with the introduction of a 'sandwich' course on the recommendations of the Gore Committee on Police Training of 1974. It is patterned on the lines of sandwich course for IAS probationers. Therefore since 1986, the IPS probationers are also required to undergo two spells of institutional (professional) training at the National Police Academy (Hyderabad) with a gap of eight months (35 weeks) between them. This gap is utilised for district training (i.e. field training or practical training) in the states.

Training of IFS (Forest)

The Indian Forest Service (IFS) probationers are given the induction training for a period of three years. The various components of this training programme along with the respective durations are mentioned below:

(i) Foundational training	4 months
(ii) Professional training	24 months
(iii) On-the-job training in cadre states	<u>8 months</u>
Total	<u>36 months</u>

The foundational training to the IFS probationers is imparted at the LBS National Academy of Administration (Mussoorie), along with the probationers of other All-India and Central Services. After this, they are sent to the Indira Gandhi National Forest Academy (Dehradun) for professional training.

Training of IFS (Foreign)

The duration of training imparted for the Indian Foreign Service (IFS) probationers is three years. The various components of their training programme alongwith the respective durations are

mentioned as follows.

(i) Foundational course imparted at National Academy of Administration, Mussoorie (alongwith other probationers of All-India and Central Services)	4 months
(ii) Professional Course at the Foreign Service Institute in New Delhi (including an Attachment with the Armed Forces and Bharat Darshan tour)	12 months
(iii) Attachment with the Ministry of External Affairs	6 months
(iv) Languages training at an Indian mission abroad	<u>14 months</u>
Total	<u>36 Months</u>

The above system of induction training for IFS Probationers has been in force since 1987. Before that, the training system consisted of seven stages with an element of district training for six months duration. The probationers were given institutional training at Indian School of International Studies in New Delhi. This institute was replaced by the Foreign Service Institute.

Training of Other Higher Services

After completion of 4 months' combined foundational course at Mussoorie, the probationers of various higher civil services are sent to their respective training institutes for professional (institutional) training. The following points can be noted in this regard.

- (i) The Indian Audit and Accounts Service probationers are imparted professional training at the Indian Audit and Accounts Service Staff Training College, Simla.
- (ii) The Income Tax Service probationers are given professional training at the Indian Revenue Service (Direct Taxes) Training Institute, Nagpur.
- (iii) Railway Services probationers are trained at the Railway Staff College, Baroda.
- (iv) The Central Secretariat Service probationers are imparted foundational training course as well as professional training at the Institute of Secretariat Training and Management, New Delhi. It must be emphasised here that the probationers of the Central Secretariat Service do not attend the four month's combined foundational course at Mussoorie.
- (v) The Indian Postal Service probationers are given professional training at the Postal Staff College, Ghaziabad (UP).
- (vi) The Indian Customs Service as well as Central Excise Service probationers are trained at the Customs and Central Excise Training School, New Delhi.
- (vii) Indian Information Service probationers are given professional training at the Indian Institute of Mass Communication, New Delhi.

The long-term professional training imparted to the probationers of various higher civil services consists of two components:

- (i) Theoretical instructions at the respective training institutes.
- (ii) Practical training in the fields under the guidance of senior officers.

Training Institutions

National Academy of Administration It is the premier training institution in our country. It was

established in 1959 at Mussoorie, a famous hill station in Uttaranchal. In 1972, it was renamed as the Lal Bahadur Shastri National Academy of Administration. Presently, it is under the Ministry of Personnel. It provides the following training courses.

- (i) A combined four months foundational course for all the probationers of All India Services and Group-A Central Services (except the Central Secretariat Service).
- (ii) Professional training for the IAS probationers (in two spells).
- (iii) In-service training courses for officers of All-India and Central Services (Group-A). These are of two types—
 - (a) Management Development Programme of 4 weeks duration for officers of 11 to 16 years of service.
 - (b) Executive Development Programme of 6 weeks duration for officers of 6 to 10 years of service.
- (iv) Short courses of one week to one month duration for senior officers.

National Police Academy In 1948, the Central Police Training College was set up at Mount Abu in Rajasthan. During the internal emergency (1975–1977), it was shifted to Hyderabad and renamed as Sardar Vallabhbhai Patel National Police Academy on the recommendation of the Kohli Committee of 1966. It provides the following training courses.

- (i) Professional (Institutional) Training for the IPS probationers.
- (ii) Refresher courses for senior IPS officers.
- (iii) Induction training for State Police Service Officers on their promotion to IPS.
- (iv) Special courses to train the trainers/instructors of police training institutions of the state police as well as paramilitary forces.

The academy is under the administrative control of the Ministry of Home Affairs. It (the academy) also promotes study and research on police-related topics.

National Forest Academy In 1938, the Indian Forest College was established at Dehradun. In 1987, it was renamed as Indira Gandhi National Forest Academy. It is under the administrative control of the Ministry of Environment and Forests. It provides the following training courses:

- (i) Professional (institutional) training for the IFS probationers.
- (ii) In-service training courses for senior IFS officers.
- (iii) Induction training for State Forest Service officers on their promotion to IFS.

Foreign Service Institute In 1986, the Foreign Service Institute replaced the Indian School of International Studies in New Delhi. It provides the following training courses:

- (i) Professional training for the IFS probationers.
- (ii) Refresh courses for senior IFS officers.
- (iii) Orientation programmes for Heads of Missions.
- (iv) Professional courses for foreign diplomats.
- (v) Short-term programmes for the staff of Ministry of External Affairs.

Institute of Secretariat Training and Management In 1948, the Central Secretariat Training School was established at Delhi. In 1971, it was renamed as the Institute of Secretariat Training and Management. It provides the following training courses.

- (i) Foundational course and professional training for the new-entrants of the Central Secretariat Service.

- (ii) Refresher courses for senior members of the Central Secretariat Service.
- (iii) Specialised and sponsored training courses on various aspects of Secretariat administration.

Indian Institute of Public Administration It was set up at New Delhi in 1954 on the recommendation of Paul H. Appleby Report of 1953 on Indian Administration. It is a quasi-governmental body. It is engaged in the following activities:

- (i) Organising refresher courses (in-service training) for the officers of Central Government, State Governments and Public Undertakings.
- (ii) Administrative research.
- (iii) Publication of *Indian Journal of Public Administration*.
- (iv) From 1975 onwards, it has been organising a nine months Advanced Professional Programme in public administration for senior civil servants.
- (v) Organises short term courses for university teachers in public administration.

The Indian School of Public Administration which was a constituent part of Indian Institute of Public Administration since 1958 was abolished in 1968.

National Institute of Rural Development In 1958, the Central Institute of Study and Research in Community Development was established at Hyderabad. In the mid-1970s, it was renamed as the National Institute of Rural Development. It is engaged in the following activities.

- (i) Organising short term orientation courses of 25 days for officers who are engaged in rural development administration.
- (ii) Research in rural development.
- (iii) Publication of material on rural development.

Administrative Staff College of India It was set up at Hyderabad in 1957 on the recommendation of the All-India Council for Technical Education. It is developed on the pattern of the British Administrative Staff College located at Henley-on-Thames. It provides a four-month training course for senior administrators drawn from both public and private sectors, that is, government, public enterprises, industry and business. It imparts training through participative techniques like syndicate method, group discussions, and so on. It is also engaged in administrative research. It is an autonomous body.

Centre for Public Policy This training institution has been established at IIM, Bangalore, with a view to provide high quality training in public policy and its management. It has been set up with support from the Department of Personnel and Training (Government of India) and the UNDP. Its objectives are as follows:

- (i) To conduct a one-year training programme leading to masters qualification in public policy and management, for mid-career civil servants which would develop in-depth capability for both policy making and implementation in public policy and management
- (ii) To conduct research in public policy, thus function as a think-tank to generate both strategic vision on major issues and also provide solutions to practical problems
- (iii) To conduct short duration training programmes for a mix of participants from government, civil society and non-profit sectors
- (vi) To provide a forum for policy dialogue among policy stakeholders, through video-conferencing interaction, policy briefs, seminars, workshops and convergences
- (v) To provide policy advisory services through consulting assignments

V V Giri National Labour Institute This institute is located at Noida, Uttar Pradesh. It is a premier national institution involved in research, training, education, publication and consultancy on labour related issues. It was established in 1974. It is an autonomous body of the Ministry of Labour, Government of India. It was renamed in 1995 in honour of the late President of India, V V Giri. Its activities are:

- (i) to address the issues of transformation of the world of work in a global economy
- (ii) to project labour issues as a core concern of policy making
- (iii) to empower the social actors with capacities to meet the challenge of change
- (iv) to highlight the role of labour in shaping of modern India
- (v) to preserve and disseminate information on labour matters

National Institute for Smart Government It has been incorporated as a ‘not-for-profit company’ under the Companies Act 1956, at Hyderabad in 2002. Its mission is to facilitate application of public and private resources to e-Governance in the areas of

- (i) strategic planning
- (ii) project consulting
- (iii) capacity building and
- (iv) research and innovation.

NISG has its origins in the recommendations of the National Task Force on IT and Software Development. It was conceived to help channelise the expertise and resources available in the country and elsewhere to come up with viable public-private partnership mechanisms that can foster growth and development in the country through smart governance.

Other Training Institutions In addition to the above major training institutions, there are a number of other training institutions in India. They are listed below:

- Institute of Government Accounts and Finance, New Delhi
- Indian Institute of Forest Management, Bhopal
- National Institute of Criminology and Forensic Science, New Delhi
- National Civil Defence College, Nagpur
- Institute for Defence Studies and Analysis, New Delhi
- National Institute of Advanced Studies, Bangalore
- National Informatics Centre Training Division, New Delhi
- National Institute of Financial Management, Faridabad
- National Law School, Bangalore
- National Remote Sensing Agency, Hyderabad
- Post and Telegraph Training Centre, Saharanpur
- Indian Institute of Management at Ahmedabad, Bangalore, Kolkata, Indore, Kozhikode and Lucknow
- All-India Institute of Local Self-Government, Mumbai
- Administrative Staff College for Educational Planners and Administrators, New Delhi
- Central Emergency Relief Training Institute, Nagpur
- Customs and Central Excise Training School, New Delhi
- Family Planning Training and Research Centre, New Delhi
- Indian Institute of Foreign Trade, New Delhi
- Indian Institute of Mass Communications, New Delhi

- Institute of Applied Manpower Research, New Delhi
- National Institute of Health Administration and Education, New Delhi
- National Institute for Training in Industrial Engineering, Mumbai
- Small Industries Extension Training Institute, Hyderabad
- Vaikunth Mehta National Institute of Cooperative Management, Pune
- Management Development Institute, Gurgaon
- National Institute of Health and Family Welfare, New Delhi
- Central Labour Institute, Mumbai
- National Fire Service College, Nagpur
- Defence Institute of Work Studies, Mussoorie
- Institute of Social and Economic Change, Bangalore
- Public Enterprises Centre for Continuing Education, New Delhi
- Regional Centres for Urban and Environmental Studies at Kolkata, Lucknow, Hyderabad and Mumbai
- Centre for Urban and Environmental Studies, New Delhi
- Indian Audit and Accounts Service Staff Training College, Simla
- Indian Revenue Service (Direct Taxes) Training Institute, Nagpur
- Railway Staff College, Baroda
- Postal Staff College, Ghaziabad (UP)
- National Forest Research Institute, Dehradun
- International Institute for Population Sciences, Mumbai
- National Institute of Rural Management, Anand, Gujarat
- Advanced Level Telecommunication Training Centre, Ghaziabad
- Indira Gandhi Institute of Development Research, Mumbai
- Management Development Institute, Gurgaon
- National Academy of Customs, Excise and Narcotics, Faridabad
- National Judicial Academy, Bhopal

PAY AND SERVICE CONDITIONS

The conditions of service of a government servant includes pay, allowances, periodical increments, leave, promotion, tenure or termination of service, transfer, deputation, various types of rights, disciplinary action, holidays, hours of work, and retirement benefits like pension, provident fund, gratuity, and so on. Thus, it includes the whole gamut of personnel administration except classification, recruitment and training.

Pay (Compensation)

Pay is also known as salary or compensation or remuneration. A sound and adequate compensation plan is very essential for the efficient functioning of the civil service in the modern state. However, there is no single principle which determines the fixation of the pay scales of civil servants. In fact, various principles are considered while fixing the salary scales.

Equal Pay for Equal Work This is the most important principle involved in the determination of

salary scales for civil servants. There should be uniform pay rates without any individual variations based on favouritism. In other words, the pay scale should compensate the positions (jobs) and not the individuals. Hence, higher kind of work should be paid a higher rate than the lower kind of work.

Parity with Outside Employment The pay scales of the government servants should be fairly comparable to the pay scales in the private sector. In other words, the government employees should be paid at a rate which corresponds to the comparable situation in outside employment. Otherwise, the talent in society will join the private sector.

Cost of Living The salaries paid to the government employees must be both adequate and just. They should have relationship with the cost of living. However, the cost of living is not the same throughout the country and varies from region to region. Such regional variations should be taken into consideration while fixing the pay scale of the employees. Further, the pay scales should be revised and adjusted to the changes in the cost of living.

Economic Position of the Country The compensation plan of the government for its employees should bear relationship with the per capita income of the country. This is because, the financial position of the government depends on the economic situation of the country. In developed countries like USA, UK, France and Germany, the tax paying capacity of people is much higher when compared to those of the developing countries like India, Brazil, and so on. Obviously the pay scales of public servants in developed countries are much higher when compared to the pay scales in the developing countries.

State as the Model Employer Another principle which should be taken into account while determining the pay scales of government employees is that the state should act as the model employer. The Tomlin Royal Commission (1929–31) on the civil service in Britain has mentioned the following three different interpretations of the term model employer.

- (i) An employer who is ahead of other employers in the society in the matters of pay and other conditions of service.
- (ii) The State should be one of the front rank employers in the society, it need not march ahead of them.
- (iii) It only emphasises the responsibility of the state towards its employees and nothing beyond that.

The general interpretation of the term is the first one. Therefore, the State should have such pay scales for its employees which might serve as the model for the private sector employers.

Maintenance of Efficiency The pay scales of the government should be so designed as to attract and retain efficient staff with requisite qualifications and abilities. Anderson Committee (1923) on the pay and service conditions of state servants in Britain emphasised this principle. It propounded the theory that “the government should pay what is necessary to recruit and retain an efficient staff.” Islington Commission (1912) in India also justified this principle.

Other Principles Apart from the above principles, the following factors are also taken into consideration while fixing the pay scales.

- (i) Social considerations, that is, the disparities between the highest and the lowest salaries should be minimum.

- (ii) The policy of the Government which is based on the political ideology professed and practised by it.
- (iii) Legislations like Minimum Wages Act.
- (iv) The risky and hazardous nature of job.
- (v) The employees union which pressurise the Government through their principle of collective bargaining.

Table 7.2 Pay Commissions Appointed so far in India

<i>Sl. No.</i>	<i>Name</i>	<i>Appointed in</i>	<i>Submitted Report in</i>	<i>Name of the Chairman</i>
1.	First Pay Commission	1946	1947	Srinivasa Varadachariar
2.	Second Pay Commission	1957	1959	Jaganath Das
3.	Third Pay Commission	1970	1973	Raghubir Dayal
4.	Fourth Pay Commission	1983	1986	P.N. Singhal
5.	Fifth Pay Commission	1994	1997	Ratnavel Pandian
6.	Sixth Pay Commission	2006	2008	B.N. Srikrishna
7.	Seventh Pay Commission	2014	Expected in 2015	Ashok Kumar Mathur

Allowances

Apart from pay, the government servants are entitled to receive many types of allowances. These are explained below.

Dearness Allowance (DA) It is granted to compensate the increase in prices and the cost of living.

House Rent Allowance (HRA) It is granted to compensate for the rising rent of the house in cities.

Compensatory City Allowance It is granted to meet the necessities of everyday life in big cities which cost more when compared to the smaller cities/towns.

Travelling Allowance (TA) It is granted to meet the expenses incurred on travel undertaken on official duty.

Daily Allowance (DA) It is granted to meet the daily expenses incurred on boarding, lodging and sundry items while on tour.

Conveyance Allowance (CA) It is provided to an employee who is required to travel extensively at or within a short distance from his headquarters but cannot claim travelling allowance.

Leave Travel Concession (LTC) It is granted to an employee to enable him or his family members to visit his or their home town once in a block of two calendar years.

Medical Aid The government employee and his family members are entitled for free of charge medical attendance and treatment.

Children's Educational Assistance The benefits extended to government employees under this category includes:

- (a) Children's educational allowance,
- (b) Reimbursement of tuition fees, and
- (c) Hostel subsidy.

Uniform Allowance Certain categories of employees like police, peons have to wear special uniforms while performing their official duties. They are granted special uniform allowance.

Compensatory Allowances This includes the composite hill compensatory allowance, bad climate allowance, tribal area allowance and remote locality/border area/difficult area/disturbed area allowance.

Other Allowances Apart from the above-mentioned allowances and perks, government employees also enjoy other allowances like project construction allowance, risk allowance, cyclone allowance, washing allowance, overtime allowance, and others.

Leave Benefits

The government employees also enjoy the benefit of various kinds of leave. However, leave cannot be claimed as a matter of right. In other words, the leave sanctioning authority can refuse or revoke leave of any kind. But it is not open to him (i.e. the leave sanctioning authority) to alter the kind of leave due and applied for except at the request of the employee. Further, no leave of any kind can be granted for a continuous period exceeding five years except with the sanction of the President. The various kinds of leave are explained below:

Casual Leave It is essentially intended for short periods to meet unexpected contingencies. An employee on casual leave is not treated as absent from duty. His pay is not intermitted.

Earned Leave It is also known as privilege leave. It is intended to enable the employee to take rest for a certain period. The earned leave can be accumulated and encashed at the time of retirement.

Half-Pay Leave This leave is granted on option even when earned leave is at credit. It is granted either on medical certificate or on private affairs. Thus, this leave is also called as sick leave and leave on private affairs.

Study Leave It is granted to an employee for undergoing a special course consisting of higher studies or specialised training in a professional or technical subject having a direct and close relationship with the sphere of his duties.

Maternity Leave This leave is granted to married or unmarried female employees with less than two surviving children. It carries full pay.

Paternity Leave This is granted to male government servants with less than two surviving children for a period of 15 days during the confinement of his wife. It carries full pay.

Extraordinary Leave This is granted when no other leave is admissible or when other leave is admissible but the employee applies specifically for the grant of this leave. It cannot be granted for

more than five years in case of permanent officials. However, he will not be entitled to any leave salary.

Other Leaves Apart from the leaves mentioned above, government servants are also entitled for commuted leave, special disability leave, hospital leave, special casual leave and others.

Promotion

The following points can be noted with regard to the promotion system in our country.

- (i) The seniority-cum-merit is the governing principle.
- (ii) Head of the department concerned is the promotion making authority. However, promotions to higher posts are made in consultation with the public service commissions.
- (iii) Departmental Promotion Committees (or Boards) are set up for the purpose of selecting the candidates for promotion at the departmental levels.
- (iv) The All-India Services Act of 1951 specifies that the senior posts not exceeding per cent in the Indian Administrative Service (IAS), Indian Police Service (IPS) and Indian Forest Service (IFS) are required to be filled in by promotion of officers employed in the State Services. Such promotions are made on the recommendation of selection committees constituted for this purpose in each state. Such a committee is presided over by the Chairman or a member of UPSC.
- (v) The employees are rated under the following five categories for the purpose of promotion:
 - Outstanding
 - Very good
 - Satisfactory
 - Indifferent
 - Poor
- (vi) An employee who is appointed through promotion cannot be removed or dismissed by any authority which is subordinate to the authority by which he was appointed or promoted (Article 311 of the Constitution).
- (vii) The principle of seniority was accepted first in India by the East India Company in 1669. The Charter Act of 1793 sanctified it. The ICS Act of 1861 made allowance for merit principle also.

Retirement Benefits

There are three methods of raising the funds out of which the retirement benefits are paid. These are given below.

- (i) Contributory system, in which the employee makes total contribution (by way of salary deductions).
- (ii) Partly contributory system in which both, the employee and the government share the cost of retirement benefits.
- (iii) Non-contributory system in which the government alone bears the cost of retirement benefits.

The following forms of retirement benefits are in vogue in India.

Pension It is a recurring monthly payment granted to the retired government servants so long as they live. The various kinds of pension are as follows.

- (i) Superannuation pension, granted to a public servant who retires after attaining the age of superannuation, that is, 58 years or 60 years.
- (ii) Retiring pension, granted to a public servant who retires after completing the fixed period of service but before attaining the age of superannuation (i.e. voluntary retirement or premature retirement).
- (iii) Invalid pension, granted to a public servant who retires on account of any bodily or mental infirmity which permanently incapacitates him for any further service.
- (iv) Compensation pension, granted to a public servant whose permanent post is abolished and the provision of alternate employment of equal status is not possible, or offer of a lower post is not accepted.
- (v) Compulsory retirement pension, granted to a public servant who is compulsorily retired from service as a measure of penalty.
- (vi) Compassionate allowance, granted to a public servant who is removed or dismissed from service for misconduct. This is also considered as pension but the amount should not exceed two-thirds of pension which would have been admissible to him if he had retired on compensation pension.
- (vii) Injury Pension, granted to a public servant for injury sustained in the course of discharging his official duties. It is also known as disability pension.
- (viii) Family Pension, granted to the family of a public servant on his death in service or after retirement.

Provident Fund It is another form of retirement benefit which is paid to the employee in a lumpsum at one instance. It is a partly contributory system of retirement benefit in the sense that the contribution to the fund is made both by the employee and the Government.

Gratuity It is paid to a public servant at the time of retirement in a lumpsum at one time. It is of various kinds, *viz.* service gratuity, retirement gratuity, death gratuity, and so on.

Leave Encashment The retired employee can encash his accumulated earned leave at the time of retirement. Thus the employee is granted a lumpsum cash equivalent to the leave salary.

Insurance Benefits The Central Government Employees' Group Insurance Scheme of 1980 provides, at a low cost and on contributory and self-financing basis, the twin benefits of an insurance cover in the event of the employee's death during his service, and a lumpsum payment to augment their resources on retirement.

Rights of Civil Servants

The rights of civil servants in India are:

Right to Organise The Constitution of India (Article 19) gave all the citizens the fundamental right to freedom of speech, expression, assembly and association. However, it authorised the state to impose reasonable restrictions on the exercise of these rights in the national interest.

Further, the Constitution (Article 309) also empowered the legislature to regulate the recruitment

and service conditions of persons appointed to public services and posts. The conduct rules made under this provision also impose reasonable restrictions on the fundamental rights of civil servants.

Therefore, the position in India is that the civil servants cannot become members of any service association which is not recognised by the Government. Thus joining an unrecognised association is a disciplinary offence.

Right to Strike Like in the UK, in India also there is no law prohibiting a strike by civil servants. However, the conduct rules prohibit a civil servant from participating in any strike. Hence striking by civil servants constitute a disciplinary offence. Jagannath Das Commission (i.e. the Second Pay Commission) said that the civil servants should not enjoy the right to strike. The Administrative Reforms Commission of India went one step ahead and recommended complete ban on strikes by civil servants.

Political Rights Like the USA, India has also imposed severe restrictions on political rights of the civil servants. According to the conduct rules, the civil servants:

- (i) should not indulge in active politics.
- (ii) should not join any political party.
- (iii) should not canvass in favour of any candidate.
- (iv) should not contest Lok Sabha or state assembly elections.
- (v) should not aid any political movement.

Thus, except the right to vote, the civil servants in India do not enjoy any other political rights. However, a civil servant can contest in a local election with the permission of the Government.

Machinery for Consultation Staff Committees were established in all central ministries in 1954 on the recommendation of the First Pay Commission. These were renamed as Staff Councils in 1957.

The aims and objectives of these councils were as follows:

- (i) To provide a machinery for dealing with the grievances of the employees.
- (ii) To negotiate and settle the disputes related to conditions of service between the Government and the employees.
- (iii) To ensure maximum cooperation between the Government and its employees.
- (iv) To improve efficiency in the public service.
- (v) To promote welfare of the employees.

Every ministry had two Staff Councils namely, a Senior Staff Council for Class II and Class III employees, and a Junior Staff Council for Class IV employees. Thus, Class I employees were excluded from this scheme. They were only advisory.

The Second Pay Commission found that these councils were not effective in fulfilling their objectives. Hence, it recommended the following measures.

- (i) A central joint council should be established and it should cover both the industrial and non-industrial civil service.
- (ii) A compulsory arbitration tribunal should be set up to deal with matters of pay and allowances, hours of work and leave.
- (iii) The Ministry of Labour should play an important role in matters pertaining to staff relations.

The above recommendations were implemented in 1966 when the machinery for joint consultation and compulsory arbitration for Central Government employees was established.

The Joint Consultative Machinery (JCM) is patterned on the Whitley Council in the UK. It consists of the national council, the departmental councils and the local councils. The council has equal number of both, official as well as staff representatives.

The JCM is concerned with the following:

- (i) General principles related to recruitment, promotion and discipline.
- (ii) All matters pertaining to conditions of service.
- (iii) Improvement of efficiency in public service.
- (iv) Welfare of the employees.

It does not entertain the discussion of individual cases.

The JCM includes all civil servants except the following:

- Group A (i.e. Class I) Officers
- Group B (i.e. Class II) Services except the Central Secretariat Service
- Persons employed in industrial establishment at the managerial or supervisory level
- Employees of union territories
- Police Personnel

There is also a provision for compulsory arbitration in case of disagreement between the official and the staff. For this purpose, Board of Arbitration under the control of the Ministry of Labour has been established. The awards of the Board are final, subject to the over-riding authority of the Parliament of India.

Disciplinary Action

Disciplinary action is taken against a civil servant who has violated the conduct rules in the performance of his job. The important conduct rules in India are:

- All India Services (Conduct) Rules, 1954.
- Central Civil Services (Conduct) Rules, 1955.
- Railway Services (Conduct) Rules, 1956.

A formal disciplinary action constitutes the imposition of minor as well as major penalties. The following are the minor penalties.

- Censure or reprimand
- Withholding increments
- Withholding promotion
- Recovery of pecuniary loss

The following are the major penalties:

- Reduction to lower scale or rank
- Compulsory retirement
- Removal from service
- Dismissal from service

The difference between removal and dismissal is that the former shall not disqualify for future employment, while the latter shall disqualify for future employment.

The various steps in the process of disciplinary action are:

- (i) Calling for an explanation from the employee against whom disciplinary action is initiated.

- (ii) Framing of charges, if the explanation is not satisfactory.
- (iii) Suspension of the employee from the service.
- (iv) Hearing of charges and giving opportunity to the employee to defend himself.
- (v) Findings and making report.
- (vi) Giving second opportunity to the employee to defend himself against the proposed punishment.
- (vii) Punishment order (exoneration).
- (viii) Appeal, if any.

The following constitutional provisions govern the proceedings of the disciplinary action against a civil servant.

- (i) A civil servant cannot be removed or dismissed by any authority subordinate to the authority by which he was appointed (Article 311).
- (ii) A civil servant cannot be reduced in rank or removed or dismissed unless he is given reasonable opportunity to defend himself (Article 311).

The President of India is the disciplinary authority in respect of All India Services, Central Services Class I (i.e. Group A) and some Class II (i.e. Group B) services.

In respect to class III (i.e. Group C) and Class IV (i.e. Group D) employees, the Secretary of the ministry concerned is the disciplinary authority.

GENERALISTS AND SPECIALISTS IN CIVIL SERVICE

Generalists and specialists are the two components of the civil service in India. The proper relationship between the two is essential for the efficient functioning of the civil service. However, there has been an unending controversy between these two since the British rule.

Meaning

A generalist civil servant is one who does not possess a specialised background but is well equipped with the administrative procedures, rules and regulations and hence, can be appointed in any field of administration. He belongs to the managerial class and usually performs the POSDCORB functions, that is, Planning, Organising, Staffing, Directing, Coordinating, Reporting and Budgeting. Thus, the civil servants who make policies, coordinate, supervise and control the administration are called generalists. An IAS officer is an example of a generalist civil servant par excellence.

A specialist civil servant, on the other hand, is one who possesses special knowledge or skill in a specific field or area of administration. He is an expert professional. Thus, like a generalist, he is not an all-rounder. Engineers, doctors, agriculturists, meteorologists, educationists and statisticians are some of the examples of specialists.

Categorisation of Services

The civil services in India can be grouped into two broad categories viz. technical services and non-technical services. The technical services are those to which recruitment is done only on the basis of

specialised and professional qualifications of the candidates. These services include Indian Economic Service, Indian Statistical Service, Indian Forest Service, Central Engineering Service, Central Legal Service, Central Health Service, Indian Meteorological Service, and so on. These technical services are called 'Specialist Services' and the members of these services are called the 'Specialists.'

The non-technical services, on the other hand, are those to which recruitment is done on the basis of general educational qualifications and is open to all candidates who possess the minimum required educational qualification, for instance, a university degree. These services includes Indian Administrative Service, Indian Police Service, Indian Revenue Service, Indian Foreign Service, Indian Audit and Accounts Service, Indian Postal Service, Central Secretariat Service, and so on. These non-technical services can be further divided into two sub-categories, that is, functional services and general purpose service. The members of the functional services remain in the specific field of administration for which they are selected and appointed throughout their career. In the course of time, they acquire expert and specialised knowledge due to work experience and regular training. These functional services include all the nontechnical services except the IAS. The IAS is the only general purpose service at the national level. The members of IAS occupy top positions in the administrative hierarchy in various fields of administration. There is no functional field carved out for the members of IAS.

To sum up, the specialists class include the members of the technical services and the non-technical functional services, and the generalists class includes the members of only the IAS. Thus the generalists and the specialists controversy is nothing but the controversy between the members of the IAS and the non-IAS.

Historical Perspective

The origin of the generalists and specialists dichotomy can be traced to the British Northcote-Trevelyan Committee Report of 1854. This Committee recommended a superior position for the members of the British Administrative Class (generalists) and subordinate position for the members of the technical (specialists) services. The Macaulay Committee Report of 1854 on the Indian Civil Service was influenced by the British Northcote-Trevelyan Committee Report and recommended the same position in India too.

Hence, the administrative machinery in India during the British colonial rule was structured and designed to give a dominant position to the members of the generalist services, especially the ICS. Even after independence, there has been no significant change in this pattern of administration.

In Britain, the Fulton Committee Report of 1968 examined this matter in the changed conditions and recommended a better status and greater role for the specialists, and professionalisation of higher civil service. However, the generalist dominance continues to prevail in Britain with marginal improvement in the status of the specialists. Similarly in India also, the Second Pay Commission (1957–1959), the Estimates Committee of Parliament and the Administrative Reforms Commission (1966–70) recommended for remedial measures to give better status to the specialists. However, the situation has not changed much and the old system still continues, of course, with little change.

Areas of Controversy

The following points give an account of the present position with regard to the respective roles and status of the generalists and the specialists in the administrative system. In other words, the generalists and specialists controversy is surrounded around the following points.

- (i) The pay and service conditions (including promotion) of the generalists are more attractive and favourable than those of the specialists. This is the foremost grievance of the specialists.
- (ii) The majority of top posts (i.e. policy formulation and consideration levels) in the Union and state governments are reserved for the members of IAS. In other words, entry into these top posts is usually denied to the specialists.
- (iii) Below the Secretariat level, the positions are usually manned by specialists. But many a times, generalists are appointed as heads of the executive departments for example, Director of Agriculture, Chief Conservator of Forests, Director of Health, and so on.
- (iv) At the regional level, the key posts like Divisional Commissioner, Command Area Development Commissioner, and others, are manned by generalists.
- (v) At the district level, the District Collector, who is head of the district administration is a 'generalist civil servant par excellence'. A district administration consists of a number of technical departments which are headed by the specialists. Even the Chief Executive Officer of the Zilla Parishad is a generalist and heads a team of specialists.
- (vi) The proximity to the political bosses which is enjoyed by the generalists is much more than the specialists.
- (vii) Inter-organisational mobility of generalists is much wider than that of specialists. The IAS officers move from one department to another, from a department to a public enterprise or local government and vice-versa. The specialists move only within their respective departments or fields of administration.
- (viii) The generalists have a greater and quicker chance of promotion than specialists.
- (ix) The performance appraisal and assessment of specialists is done by generalist IAS officers.
- (x) The advises, proposals and ideas of the specialists are not cared much by the IAS officers who consider the specialists as their subordinates.

The above points of controversy between the generalists and specialists have led to discontentment among specialists thereby affecting their morale and efficiency.

Case for Generalists

The arguments put forward for the superiority of the generalists are:

- (i) The generalists are more suitable than specialists for the performance of higher management level jobs due to their high caliber, ability, and a wide and rich experience.
- (ii) The tenure system of Secretariat staffing which is based on the concept of district or field experience favours a band of generalist administrators.
- (iii) There should be a generalist civil servant at all levels of administration to perform the managerial functions, as the administration is historically based on the principle of 'area administration', that is, *taluqa*, district, division and so on.
- (iv) A generalist acts as a mediator between an amateur minister and the specialist, between the people and the government, and between the pressure groups and public interest.
- (v) The specialists are narrow-minded and parochial as they "know more and more about less and less." As rightly said by Paul H. Appleby, "the price of specialisation of every kind is

parochialism”. The generalists, on the other hand, have a broad out look and flexibility of approach.

Case for Specialists

The arguments put forward by the specialists in favour of their better position and greater role in administration are:

- (i) The generalists are not suitable for all policy-making positions as they do not have professionalism and adequate knowledge.
- (ii) Amateur generalists cannot understand the technical complexities of the proposals forwarded by the specialists. An IAS officer is “a jack of all trades but master of none.”
- (iii) The ‘intelligent amateur theory’ underlying the constitution of the generalist civil service developed in Britain and India during the nineteenth century does not hold good in the present times as the functions of administration have become more complex, more technical and subject specific.
- (iv) In the present set up, a minister is deprived of expert advice and specialised knowledge of the specialists.
- (v) The policies formulated by the generalists are unrealistic as they are not fully aware of the problems faced by the specialists in the effective implementation of policies.

Forms of Organisation

There are four forms of organisation of generalists and specialists. The nature of relationship between them depends on the type of the form being adopted. These are explained below.

Separate Hierarchy In this system, there will be common pay for the generalists and the specialists. However, the specialists will have greater respect. This form is prevalent in Germany, Sweden and Australia.

Parallel Hierarchy Under this system, a specialist will be working with a generalist. In other words, the specialists and the generalists will have their own respective hierarchies (which are parallel to each other). The coordinating work is achieved by frequent liaison between the two.

Joint Hierarchy Under this system, both a generalist bureaucrat and a specialist technocrat report jointly to their common superior, permanent secretary, who is a generalist. Similarly, a minister may also be advised by a Specialist as well as generalist.

Unified Hierarchy Under this system, there will be a unified (Integrated) civil service which is created by merging all the services and cadres. There will be a common open competitive examination for entry into such service and uniformity in pay and service conditions. Pakistan adopted this model in 1973. This idea is also under discussion in India whereby it is suggested that the Central Services and All India Services should be merged to create a unified civil service.

Steps Taken

Since Independence, the Government of India has taken the following steps to resolve the generalist–specialist controversy:

1. It has created the Central Secretariat Service in 1948. This gave rise to a separate cadre of permanent secretariat officers.
2. It has established the Central Administrative Pool in 1957 for manning the higher positions in the Central Secretariat.
3. It has created the Indian Forest Service in 1966. It is a specialist All-India Service.
4. It has created the Indian Economic Service and Indian Statistical Service in 1961. These are the specialist central services.
5. It has been appointing specialists to the senior administrative positions like Secretary, Additional Secretary, Joint Secretary and so on.
6. It has been inducting specialists into the Board of Directors of the central public sector enterprises.
7. It has been appointing specialists to a majority of positions in the Planning Commission.

MINISTER–CIVIL SERVANT RELATIONSHIP

Meaning

The Parliamentary form of government prevalent in India postulates the existence of both forms of executive— political executive and permanent executive. The political executive consists of the Prime Minister, Cabinet Ministers, Ministers of State and Deputy Ministers. The permanent executive, on the other hand, consists of civil servants, that is, Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries and other professional administrators. The civil servants of a ministry/department are headed politically by a minister and administratively by a Secretary.

The political executive derives its power from the people through a mechanism of periodic elections, and exercises power by virtue of the constitutional position. The permanent executive, on the other hand, is selected on the basis of merit and derives its power from both administrative positions and the technical expertise. As the system of government is based on the doctrine of popular sovereignty (i.e. possession of supreme power by the people), the permanent executive is subordinated to the political executive which represents the people. In the words of Mohit Bhattacharya, “Under the parliamentary system of government, the superiority of the minister and the subordination of the Secretary are axiomatic.”

Relative Roles

A proper and harmonious relationship between the minister (i.e. political or transient executive) and the secretary (i.e. civil servant or permanent executive) is of great importance for smooth and efficient functioning of the parliamentary government. A minister (i.e. non-official) is responsible for the following functions.

- (i) To formulate policies
- (ii) To make decisions on important matters
- (iii) To supervise the implementation of policies

- (iv) To decide on larger administrative questions
- (v) To make appointments to top posts
- (vi) To intervene in administration for the redressal of legitimate public grievance(s)

The Civil Servant (i.e. official), on the other hand, is responsible for the following functions.

- (i) To implement policies and decisions
- (ii) To provide information, facts and ethical judgements needed in policy making
- (iii) To direct and supervise the work of subordinates
- (iv) To maintain continuity of administration

Pfiffner has excellently enumerated the points of distinction between the political executive and the civil servant in the following way:

Table 7.3 Minister vs. Civil Servant

<i>Sl. No.</i>	<i>Minister</i>	<i>Civil Servant</i>
1.	Amateur	Professional
2.	Non-technical	Technical
3.	Partisan	Non-partisan
4.	Temporary	Permanent
5.	More public contacts	Less public contacts
6.	More legislative contacts	Less legislative contacts
7.	More policy formulating	Less policy formulating
8.	More decisions	More advisory
9.	More coordination	More performance
10.	Influenced by technical opinion	Influenced by technical data collection from study and research

Principles

The principles that govern relationship between the minister and the civil servant are:

- (i) Both should uphold the constitutional provisions and parliamentary laws while discharging their respective duties.
- (ii) A minister has the ultimate prerogative in policy-making.
- (iii) A civil servant should execute faithfully all policies and decisions of the minister even when they are against the advice tendered by him.
- (iv) A civil servant enjoys full freedom to express himself frankly without fear in tendering advice to the minister.
- (v) A civil servant should observe the principles of neutrality, impartiality and anonymity. Neutrality means that a civil servant should remain non-political and must serve different governments in power without any political consideration. Impartiality means that the civil servant should, in the words of Mohit Bhattacharya, “act without bias irrespective of the social pressures and variations in the nature of clients.” Anonymity means that a civil servant must work from behind the curtain, without praise or blame.

Relationship in Practice

The minister-civil servant relationship in India emerged as a result of the Government of India Act of 1919, also known as the Montague-Chelmsford Reforms. This Act was enforced in 1921 to introduce, among others, the new scheme of 'Dyarchy' (dual scheme of governance) in the provinces. Consequently, the office of minister came into existence, and for the first time, the ICS Officers were made to work under the ministers who were responsible to the Legislative Council.

In practice, the relationship between a minister and a Civil Servant is characterised by conflicts, disputes, uneasiness and suspicion. Let us examine some important cases here.

The first conflict in the relationship between a minister and a Civil Servant in the post-Independence era occurred in 1957 in the "Mundhra Deal." In this case, the funds amounting to rupees one crore and a quarter of the nationalised Life Insurance Corporation were spent to purchase the shares of a private concern. When it became a point of concern, both, the then Finance Minister (T.T. Krishnamachari) and Principal Finance Secretary (H.M. Patel) blamed each other. Consequently, the Government of India appointed a one man inquiry commission consisting of M.C. Chagla to enquire and examine into the facts and propriety of the Mundhra deal in 1958. The Chagla Commission held in its report that "Constitutionally the minister is responsible for the action taken by his secretary... He cannot take shelter behind them nor can he disown their actions." Thus, the Chagla Commission upheld the principle of ministerial responsibility and the norm of anonymity of civil service. Consequently, the Finance Minister resigned.

Again in 1966, the then Home Minister (Gulzari Lal Nanda) complained to the Prime Minister of the non-cooperative attitude of his Home Secretary (L.P. Singh) and requested for his replacement. The Prime Minister did not consider the request and consequently Gulzari Lal Nanda resigned.

Another episode took place in 1971 when the Railway Minister (K. Hanumanthaiya) meted out a shabby treatment to the Chairman of the Railway Board (B.C. Ganguli). They had differences over a number of issues mainly related to railway financial administration. B.C. Ganguli left under humiliating circumstances as his services were terminated by the Government.

In 1987, Rajiv Gandhi, the then Prime Minister of India, also misbehaved with the Agriculture Secretary (C.S. Sastry), Rural Development Secretary (D. Bandopadhyaya) and Foreign Secretary (A.P. Venkateshram).

In 1993, the Home Secretary resigned due to difference in the style of functioning of the Home Minister.

Reasons for Conflicts

The factors responsible for the deterioration of the relationship between a minister and a civil servant are:

- (i) The ministers generally do not encourage free, frank and impartial advice from the civil servants. This hinders mutual understanding and cooperation.
- (ii) The emergence of personal affiliations between the minister and the civil servant leading to politicisation of the civil service.
- (iii) Frequent use of transfer, suspension and disciplinary powers by ministers against civil servants who do not act favourably.
- (iv) Factionalism, group rivalry and casteism among the ministers and the civil servants.

- (v) The end of “one dominant party system” (i.e. the Congress) leading to political instability. It does not facilitate the growth of mutual confidence.
- (vi) Lack of proper understanding with regard to their respective roles. The ministers usually interfere with day-to-day administration while the civil servants do not bring important matters to the notice of ministers.
- (vii) The attitude of ministers to blame the civil servants for their failures. According to Chagla Commission, “The doctrine of ministerial responsibility has two facets. The minister has complete autonomy within his sphere of authority. As a necessary corollary, he must take full responsibility for the actions of his servants.”
- (viii) The habit of civil servants to criticise the ministers and their policies in social and private circles make the ministers react similarly.
- (ix) The civil servants are not sensitive towards the difficulties and problems of the ministers. They do not appreciate the political role of ministers who try to accommodate individual and group interests.
- (x) The ministers and the civil servants differ from each other in terms of historical role, social background, professional commitments, mental ability and outlook and so on.

ROLE OF UNION PERSONNEL MINISTRY

The full-name of the Ministry of Personnel is the Ministry of Personnel, Public Grievances, and Pensions. It is the nodal personnel and administrative reforms agency in the country. It is headed, politically by the Prime Minister (assisted by a minister of state) and administratively, by the Personnel Secretary.

Evolution

The various milestones in the evolution of the Ministry are mentioned below in the chronological order:

1. In 1954, an Organisation and Methods (O&M) Division was set up in the Cabinet Secretariat on the recommendation of P.H. Appleby Report of 1953.
2. In 1964, a new Department of Administrative Reforms was set up in the Home Ministry and the O & M Division was transferred to this Department.
3. In 1970, the Department of Personnel was set up in the Cabinet Secretariat on the recommendation of the Report of Administrative Reforms Commission of India (1966–70). This Department took over the functions performed hitherto by the Services Wing of the Home Ministry.
4. In 1973, the Department of Administrative Reforms was amalgamated with the Department of Personnel to create the Department of Personnel and Administrative Reforms in the Cabinet Secretariat.
5. In 1977, the Department of Personnel and Administrative Reforms was taken away from the Cabinet Secretariat and shifted to the Home Ministry.
6. In 1985, a new full-fledged Ministry of Personnel, Public Grievances and Pensions was created with three separate departments. These are:

- (a) Department of Personnel and Training.
- (b) Department of Administrative Reforms and Public Grievances.
- (c) Department of Pensions and Pensioners' Welfare.

Subordinate Agencies

The various agencies which work under the administrative control of the Ministry are:

1. Union Public Service Commission (UPSC).
2. Staff Selection Commission (SSC).
3. Public Enterprises Selection Board (PESB).
4. Central Vigilance Commission (CVC).
5. Central Bureau of Investigation (CBI).
6. Central Administrative Tribunal (CAT)
7. National Academy of Administration (NAA)
8. Indian Institute of Public Administration (IIPA).
9. Institute of Secretariat Training and Management (ISTM).
10. Joint Consultative Machinery (JCM).
11. Central Information Commission.

Functions

The Ministry of Personnel, Public Grievances and Pensions is the coordinating agency of the Central Government in personnel matters, specially with respect to issues concerning recruitment, training, career development, staff welfare and the post-retirement dispensation. This ministry also works towards promotion of a responsive, people-oriented and modern administration. The functions of the three departments of the Ministry are as follows:

Department of Personnel and Training In its larger nodal role, this department acts as the formulator of policies and the watchdog of the Government to ensure that certain accepted standards and norms pertaining to recruitment, regulation of service conditions and deputation of personnel as well as other related issues, as laid down by it, are followed by all ministries/departments.

It has the direct responsibility of being the cadre controlling authority for the Indian Administrative Service (IAS) and the Central Secretariat Service (CSS), Central Secretariat Stenographer Service (CSSS) and Central Secretariat Clerical Service (CSCS).

It operates the Central Staffing Scheme under which suitable officers from All India Services and Group 'A' Central Services are selected and then placed in posts at the levels of Deputy Secretary/Director and Joint Secretary, on the basis of tenure deputation.

It deals with cases of appointments to the posts of Chairman, Managing Director, full time functional Directors/Members of the Boards of Management of various Public Sector Undertakings/Enterprises, Corporations, Banks and Financial Institutions.

This department has the following six divisions:

- (i) Establishment Officer
- (ii) Services and Vigilance
- (iii) Establishment
- (iv) Administrative Tribunal and Administration

(v) Training

(vi) Central Services

All proposals for senior appointments under the Government of India, which require the approval of the Appointments Committee of the Cabinet (ACC), are processed through the Establishment Officer as Secretary of the ACC. These include board level appointments to Central Public Sector Undertakings and appointments of Joint Secretaries, Directors and Deputy Secretaries in the ministries/departments. In addition, all appointments by promotion, which require the approval of the ACC, are also processed through the Establishment Officer.

The Establishment Officer is the ex-officio Member Secretary of the Civil Services Board, which is chaired by the Cabinet Secretary. This Board makes recommendations for appointments with respect to the posts of Deputy Secretary, Director and Joint Secretary under the Central Staffing Scheme. In addition, the Board makes recommendations to the ACC for inclusion of officers in the suitability list for the post of Joint Secretary.

The Establishment Officer is the Member Secretary of the Central Establishment Board (CEB), which is chaired by the Personnel Secretary. This Board makes recommendations for deputing officers on foreign training, assessment of Central Secretariat Service officers for appointments to the posts of Deputy Secretary and Director in the Ministries/Departments as well as premature retirement under the relevant rules in respect of officers below the rank of Joint Secretary.

Department of Administrative Reforms and Public Grievances This department is the nodal agency of the Government of India for administrative reforms as well as for redressal of public grievances relating to the states in general and those pertaining to Central Government agencies in particular.

It endeavours to document and disseminate successful good governance practices by way of audio-visual media and publications. It undertakes activities in the field of international exchange and cooperation to promote public service reforms.

Its mission is to act as a facilitator, in consultation with central ministries/departments, states/union territory administrations, organisations and individuals, to improve Government functioning through process reengineering, organisation and methods and grievance handling, and by promoting modernisation, Citizen's Charters, award schemes, e-governance and best practices in governance.

This department has the following eight divisions:

(i) Administrative Reforms

(ii) Public Grievances

(iii) e-Governance

(iv) International Exchange and Cooperation

(v) Documentation and Dissemination

(vi) Administration and Coordination

(vi) Organisation and Methods

(viii) ARC Division

Department of Pensions and Pensioners' Welfare This department was set up in 1985 as a part of the Ministry of Personnel, Public Grievances and Pensions to cater to the Central Civil Pensioners across the country. It is the nodal agency of the Government of India for formulation of general policy on pension and other retirement related benefits, as also the redressal of grievances relating to pension and retirement benefits.

It has taken a number of steps over the years for streamlining the pension administration system for greater convenience and welfare of the pensioners. A new initiative called the Pensioners' Portal, a Mission Mode Project on Pension under the National e-Governance Plan, has been launched in 2007 with the primary objective of redressal of pensioner's grievances besides providing them information and guidance concerning pension and retirement related matters.

BUDGET : CONCEPTS AND FORMS

Financial administration is an important facet of public administration. It operates through the instrument of 'Budget' and encompasses the entire 'budgetary cycle', that is, formulation of the budget, enactment of the budget, execution of the budget, accounting and auditing.

According to C.P. Bhambhri, "the term 'budget' was used in its present sense for the first time in 1773, in a satire entitled 'Opening the Budget' directed against Walpole's financial plan for that year".

Significance

The popular statements made on the importance of financial administration to the government administration are mentioned below.

Aaron Wildavsky: "Budget is the life blood of the government."

Kautilya: "All undertakings depend upon finance. Hence, foremost attention shall be paid to the treasury."

Hoover Commission: Financial administration is "at the core of modern government."

Lloyd George: "Government is Finance."

Morstein Marx: "Finance is as universally involved in administration as oxygen is in the atmosphere."

Meaning

The term 'Budget' is derived from an old English word 'Bougett' which means a sack or pouch. It was a leather bag from which the British Chancellor of Exchequer extracted his papers to present to the Parliament the government's financial programme for the ensuing fiscal year. From that association, it came to mean the papers themselves, especially those containing financial proposals.

The budget is a statement of the estimated receipts (revenue or income) and expenditure of the government in respect to a financial year. In other words, it is a financial document of the government

as presented to the legislature and as sanctioned by the legislature.

Functions

The following points highlight the functions or purposes of budget.

1. It ensures the financial and legal accountability of the executive to the legislature.
2. It ensures the accountability of subordinates to superiors in the administrative hierarchy.
3. It is an instrument of social and economic policy to serve the functions of allocation, distribution and stabilisation.
4. It facilitates the efficient execution of the functions and services of government.
5. It facilitates administrative management and coordination as it unifies the various activities of the government departments into a single plan.

Principles

The principles of sound budgeting are:

Budget should be on Annual Basis This means that the legislature should grant money to the executive for one year only. This principle of annuality of budget is considered ideal because: (a) a year is the optimum period for which the legislature can afford to give financial authority to the executive; (b) a year is the minimum period needed by the executive to implement the budget effectively; and (c) a year corresponds with the customary measure of human estimates. Presently, the financial year in India is from 1st April to 31st March. However, the Administrative Reforms Commission of India (ARC) recommended that the financial year should be from 1st November to 31st October.

Estimates should be on Departmental Basis This means that the expenditure and revenue estimates of budget should be prepared by the department directly dealing with them, irrespective of the fact that such expenditure or revenue is on account of another department. The observance of this principle is suggested because: (a) it gives a clear picture of the programmes and activities of every department; and (b) it ensures the financial solvency of every department. However, to avoid any confusion in this regard, the department preparing the estimates should give footnotes indicating the expenditure or revenue of that department dealt by another department.

Budget should be a Balanced One This means that the estimated expenditure should not exceed the estimated revenue. In other words, a 'balanced budget' is one in which the estimated expenditure matches the estimated revenue. If the estimated revenue is more than the estimated expenditure, it is called a 'surplus budget', and if the estimated revenue is less than the estimated expenditure, it is called a 'deficit budget'.

Estimates should be on a Cash Basis This means that the expenditure and revenue estimates of budget should be prepared on the basis of what is expected to be actually spent or received during the financial year. The opposite of 'cash budgeting' is called 'revenue budgeting', under which the budgeting estimates are prepared on a demand and liability basis, that is, the revenue and expenditure accrued in a financial year are included in the budget of that financial year regardless of whether they are actually realised or incurred in that financial year. The USA, UK and India have cash budgeting,

while France and some other continental countries have revenue budgeting. Cash budgeting facilitates an early closure of public accounts than revenue budgeting. The delayed accounts lose much of their value for purposes of financial control.

One Budget for all Financial Transactions This means that the government should incorporate all its revenues and expenditure (of all the departments) in a single budget. The opposite of 'single budget' is 'plural budget' under which separate department-wise budgets are prepared. The single budget system reveals the overall financial position of the government as a whole, that is, overall surplus or deficit. The UK and USA have single budget, while France, Switzerland and Germany have plural budgets. India has two budgets, *viz.* general budget and railway budget.

Budgeting should be Gross and not Net This means that all transactions of receipts and expenditure of the government should be fully and separately shown in the budget and not merely the resultant net position. The practice of deducting receipts from expenditure or *vice versa*, and preparing the budget for net receipts or expenditure is not a sound principle of budgeting. This is because, it reduces the legislative control over finances due to incomplete accounts.

Estimating should be Close This means that the budgetary estimates should be as exact as possible. This is because, overestimating leads to excessive taxation and underestimating leads to ineffective execution of the budget. 'Close budgeting' also means that particular items of expenditure should be specified and there should be no demand for lumpsum grant.

Rule of Lapse The budget should be on annual basis, that is, the legislature should grant money to the executive for one financial year. If the granted money is not spent by the end of the financial year, then the balance would expire and should be returned to the treasury. This practice is known as the 'rule of lapse'. The financial year in India and the UK is from 1st April to 31st March, in the USA it is from 1st July to 30th June, and in France it is from 1st January to 31st December.

The rule of lapse facilitates effective financial control by the legislature as no reserve funds can be built up without its authorisation. However, the observance of this rule leads to heavy rush of expenditure towards the close of the financial year. This is popularly called as 'March Rush' in India.

Revenue and Capital Portions should be Separated This means that the current financial transactions of the government should be distinguished from the transactions of a capital nature and the two must be shown in two separate parts of the budget called the 'revenue budget' and the 'capital budget'. This necessitates the separation of operational expenditure from that of investment expenditure. The revenue budget is financed out of the current revenue while the capital budget is financed out of the savings and borrowings.

Form of Estimates should Correspond to form of Accounts This means that the form of budgetary estimates should correspond to the form of accounts to facilitate effective financial control. For example, the budgetary heads and accounting heads are same in India, that is, major head, minor head, subhead and detailed head.

Forms or Systems

The forms (systems) of budgeting which have evolved over a period of time are explained below.

Line-item Budgeting This is also called as traditional budgeting or conventional budgeting. This system of budgeting developed in the 18th and 19th century. It emphasises on the items (objects) of expenditure without highlighting its purpose and conceives budget in financial terms. In other words, it presents budget in terms of objectwise (line-item) classification. Under this system, the amount granted by the legislature on a specific item should be spent on that item only. The objectives of this budgeting are to prevent wastage, over-spending and misuse of money granted by the legislature to the executive. This system of budgeting facilitates maximum control of public expenditure. In fact, the sole object of line-item budgeting has been the accountability of funds, that is, ensuring legality and regularity of expenditure. This system is also called as ‘incremental budgeting’ as the funds are allotted on an incremental basis after identifying the existing base.

Performance Budgeting The system of performance budgeting (earlier called as functional budgeting or activity budgeting) originated in the USA. The term ‘performance budget’ was coined by the First Hoover Commission (1949). This commission recommended the adoption of performance budgeting in the USA to make effective management approach to budgeting. Accordingly, it was introduced in 1950 by President Truman.

Unlike the line-item budgeting, the performance budgeting emphasises on the purpose of expenditure rather than the expenditure itself. It presents budget in terms of functions, programmes, activities and projects. It establishes a correlation between the physical (performance or output) and financial (input) aspects of each programme and activity. Hence, it necessitates a functional classification of the budget.

In India, the adoption of performance budget was recommended first by the Estimates Committee of Parliament in 1956. In 1964, the Government invited Frank W. Krause, an American expert, to study the suitability and feasibility of this system of budgeting in India. Finally the Central Government introduced performance budgeting in 1968 on the recommendation of the Administrative Reforms Commission. According to this commission, the advantages (benefits/objectives) of the performance budgeting are as follows:

- (i) It presents more clearly, the purposes and objectives for which the funds are sought by the executive from the Parliament.
- (ii) It brings out the programmes and accomplishments in financial and physical terms.
- (iii) It facilitates a better understanding and better review of the budget by the Parliament.
- (iv) It improves the formulation of the budget.
- (v) It facilitates the process of decision-making at all levels of government.
- (vi) It increases the accountability of the management.
- (vii) It provides an extra tool of management control of financial operations.
- (viii) It renders performance audit more purposeful and effective.

In 1968, the performance budgeting was introduced in four ministries of the Government of India. Later in 1977–78, it was extended to about 32 developmental departments.

Programme Budgeting Like performance budgeting, programme budgeting (also known as planning-programming-budgeting system—PPBS) also originated in the USA. It was introduced in 1965 by President Johnson. However, it was abandoned in 1971. This system of budgeting integrates the planning, programming and budgeting functions. It incorporates a scheme of planning in the budgeting process. In the words of K.L. Handa, “Programme budgeting or PPBS emphasises the planning aspect of budgeting for selecting the best out of a number of available programmes and for

optimising the choice in economic terms while allocating funds in the budget.... It treats budgeting as an allocative process among competing claims to be conducted by using the relevant planning techniques.”

Zero-based Budgeting (ZBB) The ZBB also originated and developed in the USA. It was created in 1969 by Peter A. Pyhrr, a manager of a private industry. It was introduced in the USA by President Jimmy Carter in 1978.

Like the performance budgeting or PPBS, the ZBB is also a rational system of budgeting. Under this system, every scheme should be reviewed critically and rejustified totally from zero (or scratch) before being included in the budget. Thus, the ZBB involves a total re-examination of all schemes afresh (from base zero) instead of following the incremental approach to budgeting which begins with the estimation of the current expenditure. In the words of K.L. Handa, “The basic feature of a zero-based budget is that the departments, while preparing their budgets, should not take anything for granted and, therefore, should start on a clean slate. The budget making for the ensuing year should be started from zero instead of treating the current budget as the base or the starting point.”

The *advantages/benefits* of ZBB technique are:

- (i) It eliminates or minimises the low priority programmes.
- (ii) It improves the programme effectiveness dramatically.
- (iii) It makes the high impact programmes to obtain more finances.
- (iv) It reduces the tax increase.
- (v) It facilitates critical review of schemes in terms of their cost-effectiveness and cost benefits.
- (vi) It provides for quick budget adjustments during the year.
- (vii) It allocates the scarce resources rationally.
- (viii) It increases the participation of the line personnel in the preparation of budget.

In India, the ZBB was first introduced in the Department of Science and Technology in 1983 and in all the ministries during 1986–87 fiscal year.

Sunset Legislation It is a formal process of policy review for eliminating the undesired, outdated, redundant and irrelevant programmes. In the words of K.L. Handa, “It embodies the concept of self-retiring government programmes by providing for the termination of statutory authorisation of programmes. This is achieved by placing time limits on government programmes in the legislative enactments themselves and providing for their automatic termination on the prescribed dates unless, affirmatively recreated by legislature after conducting a detailed review.”

The *advantages* or *benefits* of the sunset legislation are as follows:

- (i) It ensures economy in government expenditure.
- (ii) It avoids unnecessary expansion of government activities.
- (iii) It makes the financial resources available for new programmes.
- (iv) It ensures administrative rationality by facilitating the reallocation of limited funds on a continuous basis.
- (v) It helps in overcoming the resistance met within the executive for eliminating an ongoing programme by shifting the major responsibility for its evaluation to the legislature.

Top-Down Budgeting The system of Top-Down Budgeting was introduced in the USA in 1981 during the Reagan era. It is also known as ‘Target Base Budgeting’. It has the elements of earlier systems of budgeting, that is, performance budgeting, PPBS, Management by Objectives (MBO), ZBB

and Sunset Legislation.

Nicholas Henry has defined Top-Down Budgeting as “a method of allocating public revenues to the agencies in which agency spending limits (and, often, agency goals, too) are set by the chief executive officer of the government, while agency heads are permitted to attain their goals in the manner that they deem to be most effective within these centrally set spending limits”. He further observed, “Top-Down Budgeting clearly empowers the central administration to set expenditure and programmatic goals; therefore, it is a complete reversal of the traditional budgetary process in government, which is bottom-up. The real system of budgeting now is from the top downward.”

Historical Perspective

The institutions of financial administration originated and developed in modern India during the period of British Rule. The following points can be noted in this regard:

- (i) In 1753, the Indian Audit and Accounts Department was created.
- (ii) In 1860, a system of budget was introduced.
- (iii) In 1870, financial administration was decentralised by Lord Mayo. Consequently, provincial governments were made responsible for the management of local finances.
- (iv) In 1921, the Railway Budget was separated from the General Budget on the recommendation of the Acworth Committee.
- (v) In 1921, Public Accounts Committee was created at the Centre.
- (vi) In 1935, the Reserve Bank of India was established by an Act of Central legislature.

FORMULATION OF BUDGET

‘Formulation of the budget’ means the preparation of the budget estimates, that is, preparing the statement of estimates of expenditure and receipt (income) of the Government of India in respect of each financial year. The financial year in India is from 1st April to 31st March.

The Constitution refers to the budget as the ‘annual financial statement’. In other words, the term ‘budget’ has nowhere been used in the Constitution. It is the popular name for the ‘annual financial statement’ that has been dealt with in Article 112 of the Constitution.

In addition to the estimates of receipts and expenditure, the budget contains certain other elements. Overall, the budget contains the following:

1. estimates of revenue and capital receipts,
2. ways and means to raise the revenue,
3. estimates of expenditure,
4. details of the actual receipts and expenditure of the closing financial year and the reasons for any deficit or surplus in that year, and
5. economic and financial policy of the coming year, that is, taxation proposals, prospects of revenue, spending programme and introduction of new schemes/projects.

Agencies

The four different organs involved in the formulation of the budget are:

The Finance Ministry It has the overall responsibility for the formulation of the budget, and provides the required leadership and direction.

The Administrative Ministries They have a detailed knowledge of administrative requirements.

The Planning Commission It facilitates the incorporation of plan priorities in the budget. In other words, the Finance Ministry remains in close touch with the Planning Commission in order to incorporate the plan priorities in the budget.

The Comptroller and Auditor-General He provides the accounting skills which are necessary for the formulation of the budget estimates.

Stages/Process

The various stages involved in the formulation of the budget are explained below:

Preparation of Estimates by the Drawing and Disbursing Officers In September—October (i.e. 5–6 months before the commencement of the financial year), the Finance Ministry dispatches circulars and forms to Administrative Ministry inviting their estimates of expenditure for the ensuing financial year. The Administrative Ministry in turn pass on these forms (in which the estimates and other requisite information have to be filled in) to their local/field offices, that is, to the disbursing officers. Each such form contains the following columns:

- Actual figures of the previous year
- Sanctioned budget estimates for the current year
- Revised estimates of the current year
- Proposed estimates for the next year (with explanation for any increase or decrease)
- Actuals of the current year available (at the time of preparation of the estimates)
- Actuals for the corresponding period of the previous year

Scrutiny and Consolidation of Estimates by the Departments and Ministries Head of the department, after receiving the estimates from the drawing officers, scrutinises and consolidates them for the entire department and submits them to the Administrative Ministry.

The Administrative Ministry also scrutinises the estimates in the light of its general policy and consolidates them for the whole ministry and submits them to the Finance Ministry (Budget Division of the Department of Economic Affairs).

Scrutiny by the Finance Ministry The Finance Ministry scrutinises the estimates received from the Administrative Ministry from the point of view of economy of expenditure and availability of revenues. Its scrutiny is nominal in case of ‘standing charges’ and more exacting in case of ‘new items’ of expenditure.

Settlement of Disputes If there is a difference of opinion between the Administrative Ministry and the Finance Ministry on the inclusion of a scheme in the budget estimates, the former can submit such estimates to the Union Cabinet. The decision of the Cabinet in this regard is final.

Consolidation by the Finance Ministry After this, the Finance Ministry consolidates the budget estimates on the expenditure side. Based on the estimated expenditure, the Finance Ministry prepares

the estimates of revenue in consultation with the Central Board of Direct Taxes and the Central Board of Indirect Taxes. It is also assisted in this regard by the Income Tax Department and the Central Excise and Customs Department.

Approval by the Cabinet The Finance Ministry places the consolidated budget before the Cabinet. After the approval of the Cabinet, the budget can be presented to the Parliament. It must be mentioned here that the budget is a secret document and should not be leaked out before it is presented to the Parliament.

ENACTMENT OF BUDGET

‘Enactment of budget’ means the passage or approval of the budget (i.e. the annual financial statement or the statement of the estimated receipts and expenditure of the Government of India in respect of each financial year) by the Parliament and ratification by the President. This legalises the receipts and expenditure of the government. This means that the government can neither collect money nor spend money without the enactment of the budget.

Stages in Enactment

The budget goes through the following six stages in the Parliament:

- Presentation of budget
- General discussion
- Scrutiny by departmental committees
- Voting on demands for grants
- Passing of Appropriation Bill
- Passing of Finance Bill

Presentation of Budget Rule 213 of the Lok Sabha provides for the presentation of the budget to the Lok Sabha in two or more parts, and when such presentation takes place, each part shall be dealt with in the manner as if it were the budget. Accordingly, the budget is presented in two parts—Railway Budget and General Budget. Both are governed by the same procedure.

The introduction of Railway Budget precedes that of the General Budget. While the former is presented to the Lok Sabha by the Railway Minister in the third week of February, the latter is presented to the Lok Sabha by the Finance Minister on the last working day of February.

The Finance Minister presents the General Budget with a speech known as the ‘budget speech’. At the end of the budget speech in the Lok Sabha, the budget is laid before the Rajya Sabha which can only discuss it and has no power to vote on the demand for grants.

The documents that are also presented to the Lok Sabha along with the budget are:

- An explanatory memorandum on the budget
- An Appropriation Bill
- A Finance Bill containing the taxation proposals
- Annual reports of the ministries
- Economic classification of the budget

Earlier, the economic survey report prepared by the Finance Ministry also used to be presented to

the Lok Sabha along with the budget. Now, it is presented a few days before the presentation of the budget.

General Discussion The general discussion on budget begins a few days after its presentation. It takes place in both the houses of Parliament and lasts usually for three to four days. It is a British legacy.

During this stage, the Lok Sabha can discuss the budget as a whole or on any question of principle involved therein but no cut motion shall be moved nor shall the budget be submitted to the vote of the House. The Finance Minister shall have a general right of reply at the end of the discussion.

Scrutiny by Departmental Committees After the general discussion on the budget is over, the Houses are adjourned for about three to four weeks. During this gap period, the 24 departmental standing committees of the Parliament examine and discuss in detail the demands for grants of the concerned ministries and prepare reports on them. These reports are submitted to both the Houses of Parliament for consideration.

The standing committee system established in 1993 makes parliamentary financial control over the ministries much more detailed, close, in-depth and comprehensive.

Voting on Demands for Grants In the light of the reports of the departmental standing committees, the Lok Sabha takes up voting of demands for grants. The demands are presented ministrywise. A demand becomes a grant after it has been duly voted.

Two points should be noted in this context. One, the voting of demands for grants is the exclusive privilege of the Lok Sabha, that is, the Rajya Sabha has no power of voting the demands. Second, the voting is confined to the votable part of the budget—the expenditure charged on the Consolidated Fund of India is not submitted to the vote (it can only be discussed).

While the General Budget has totally 109 demands (103 for civil expenditure and 6 for defence expenditure), the Railway Budget has 32 demands. Each demand is voted separately by the Lok Sabha. During this stage, the members of Parliament can discuss the details of the budget. They can also move motions to reduce any demand for grant. Such motions are called as ‘cut motions’ which are of three kinds:

Disapproval of Policy Cut Motion It represents the disapproval of the policy underlying the demand. It states that the amount of the demand be reduced to ` 1. The members can also advocate an alternative policy.

Economy Cut Motion It represents the economy that can be affected in the proposed expenditure. It states that the amount of the demand be reduced by a specified amount (which may be either a lumpsum reduction in the demand or omission or reduction of an item in the demand).

Token Cut Motion It ventilates a specific grievance which is within the sphere of responsibility of the Government of India. It states that the amount of the demand be reduced by ` 100.

The significance of a cut motion lies in two things:

- (a) It facilitates the initiation of concentrated discussion on a specific demand for grant; and
- (b) It upholds the principle of responsible government by probing the activities of the government.

However, the cut motions do not have much utility in practice. They are only moved and discussed in the house but not passed as the government enjoys majority support. Their passage by the Lok

Sabha amounts to the expression of want of parliamentary confidence in the government and may lead to its resignation.

In total, 26 days are allotted for the voting of demands. On the last day (i.e. 26th day) the Speaker puts all the remaining demands to vote and disposes them whether they have been discussed by the members or not. This is called as 'Guillotine'.

Passing of Appropriation Bill The Constitution states that "no money shall be withdrawn from the Consolidated Fund of India except under appropriation made by law." Accordingly, an Appropriation Bill is introduced to provide for the appropriation out of the Consolidated Fund of India all money required to meet:

- (i) The grants voted by the Lok Sabha.
- (ii) The expenditure charged on the Consolidated Fund of India.

No such amendment can be proposed to the Appropriation Bill in either house of the Parliament which will have the effect of varying the amount or altering the destination of any grant voted, or of varying the amount of any expenditure charged on the Consolidated Fund of India.

The Appropriation Bill becomes the Appropriation Act after it is assented to by the President. This Act authorises (or legalises) the payments from the Consolidated Fund of India. This means that the Government cannot withdraw money from the Consolidated Fund of India till the enactment of the Appropriation Bill. This takes time and usually goes on till the end of April. But the government needs money to carry on its normal activities after 31st March (the end of the financial year). To overcome this functional difficulty, the Constitution has authorised the Lok Sabha to make any grant in advance in respect to the estimated expenditure for a part of the financial year, pending the completion of the voting of the demands for grants and the enactment of the Appropriation Bill. This provision is known as the 'Vote on Account'. It is passed (or granted) after the general discussion on budget is over. It is generally granted for two months for an amount equivalent to one-sixth of the total estimation.

Passing of Finance Bill Under Rule 219 of the Lok Sabha, the 'Finance Bill' means the Bill ordinarily introduced in each year to give effect to the financial proposals of the Government of India for the next following financial year, and includes a bill to give effect to supplementary financial proposals for any period. It is subjected to all the conditions applicable to a Money Bill. Unlike the Appropriation Bill, the amendments (seeking to reject or reduce a tax) can be moved in the case of Finance Bill.

According to the Provisional Collection of Taxes Act of 1931, the Finance Bill must be enacted (i.e. passed by the Parliament and assented to by the President) within 75 days.

The Finance Act legalises the income side of the budget and completes the process of the enactment of the budget.

EXECUTION OF BUDGET

'Execution of budget' means the enforcement or implementation of the budget after its enactment by the Parliament. In other words, it means the implementation of the Appropriation Act (dealing with the expenditure) and the Finance Act (dealing with the revenue).

The budget is executed by various administrative ministries/departments under the overall control

and direction of the Finance Ministry. In other words, the overall responsibility regarding the execution of the budget lies with the Finance Ministry—the central financial agency of the Government of India.

Expenditure Part

The financial control exercised by the Finance Ministry has been very tight due to the excessive concentration of financial authority in it. However, this control has been relaxed in course of time through various schemes of delegation of powers by which the administrative ministries are granted some operational freedom and flexibility in managing their expenditure.

The Finance Ministry controls the expenditure of administrative ministries/departments in the following ways:

- (i) Approval of policies and programmes in principle.
- (ii) Acceptance of provision in the budget estimates.
- (iii) Sanctioning expenditure, subject to the powers which are delegated to the spending authorities (i.e. ministries).
- (iv) Providing financial advice through the Integrated Financial Advisor.
- (v) Reappropriation of grants (i.e. transfer of funds from one subhead to another).
- (vi) Internal audit system.
- (vii) Prescribing a financial code to be followed by the spending authorities.

The composition of the machinery devised by the executive government for discharging its responsibility is:

- (i) A system of controlling officers (i.e. usually the head of the ministry/department).
- (ii) A system of competent authorities who issue financial sanctions.
- (iii) A system of drawing and disbursing officers.
- (iv) A system of payments and accounts (pay and accounts offices are created in various departments of the Central Government to make payments and compile accounts).

Reappropriation, which is an executive act, requires the formal approval of the Finance Ministry or the Administrative Ministry/Department to which the required powers are delegated. Reappropriation is permissible within the same grant only and is not permissible in the following cases:

- (i) As between voted and charged items of expenditures.
- (ii) To meet the expenditure on a new service not provided for in the budget.
- (iii) As between different grants voted by the Lok Sabha.
- (iv) To meet any expenditure which was not sanctioned by the Lok Sabha or any other competent authority.
- (v) To meet any expenditure which involves outlay in the future financial year (except the contingent expenditure)
- (vi) As between the revenue and the capital parts of the budget.

The scheme of Integrated Financial Advisor was introduced first in the Ministry of Shipping and Transport in 1974 on an experimental basis and then extended to all the ministries of the Central Government during 1975–1976. Under this scheme, the Integrated Financial Advisors are appointed in the administrative ministries.

The Integrated Financial Advisor is of the rank of Joint Secretary or Additional Secretary. He is selected jointly by the Administrative Ministry and Finance Ministry and his confidential report is written jointly by both the ministries. He is under the dual control of both the ministries and also answerable to both. He assists the Administrative Ministry in the exercise of enhanced delegated financial powers and his advice can be overruled by the Secretary of the Ministry (in the case of delegated powers and functions). But outside the scope of delegated powers, he functions under the general direction of the Finance Ministry and has direct access to the Finance Secretary. He has the following powers and functions:

- (i) Preparation of the budget.
- (ii) Scrutiny of projects and programmes for the approval of Finance Ministry.
- (iii) Post-budget vigilance.
- (iv) Formulation of performance budget of the ministry and monitoring of the progress of schemes.
- (v) Assisting the Secretary in discharge of his responsibility as the chief accounting authority of the ministry.

Revenue Part

Execution of the budget on the revenue side involves proper (a) collection of revenues; (b) custody of the collected funds; and (c) distribution of funds.

The collection of revenues involves the following stages:

- (i) Devising a suitable machinery for tax administration and determination of procedure.
- (ii) Assessment of tax, that is, preparation of a list of persons liable to pay tax and determining the amount to be paid by them.
- (iii) Making provisions for hearing of objections and appeals.
- (iv) Collection, that is, realisation of the amount due from the various assesseees.
- (v) Following up and realisation of arrears, that is, dealing with the defaulters.

The Department of Revenue of the Finance Ministry exercises overall control and supervision over the machinery charged with the collection of taxes through the Central Board of Direct Taxes and the Central Board of Excise and Customs.

The Reserve Bank of India, the State Bank of India, the district treasuries (about 300) and sub-treasuries (about 1,200) are engaged in the custody and distribution of funds. The Constitution of India provides for the following three kinds of funds for the Central Government:

- (i) Consolidated Fund of India (Article 266)
- (ii) Public Account of India (Article 266)
- (iii) Contingency Fund of India (Article 267)

DEFICIT FINANCING

The various sources of funds to finance economic development in the modern states are (i) taxation, (ii) public borrowing, (iii) government savings, (iv) surplus of public enterprises, (v) deficit financing, and (vi) external assistance.

When the government cannot raise sufficient resources through taxation, public borrowing and so on, it resorts to deficit financing to meet its development expenditure.

Meaning

Deficit financing, in general, refers to any public expenditure that is in excess of current public revenue.

In the Western countries and the USA, the term 'deficit financing' is used in a wider sense while, in India, it is used in a narrower sense.

In the Western countries and the USA, government expenditure financed through public borrowings (i.e. from people, commercial banks, and the Central Bank) are included in deficit financing.

In India, on the other hand, government expenditure financed through borrowing from people and commercial banks are excluded from deficit financing. These are known as market borrowings.

According to the Planning Commission, deficit financing in India includes:

- (i) withdrawal of past accumulated cash balances by the government;
- (ii) borrowing from the Central Bank, that is, the Reserve Bank of India; and
- (iii) Issuing of new currency.

As observed by Misra and Puri, "when government borrows from the Reserve Bank of India, it merely transfers its securities to the Bank which, on the basis of these securities, issues more notes and puts them into circulation on behalf of the government. This accounts to creation of money".

In short, the deficit financing in the Indian context connotes direct increase in money supply through the issue of fresh currency by the government in order to meet the budget deficit.

Concepts

The Government of India recognises five concepts of deficit financing. They are:

1. Revenue Deficit When revenue expenditure of the government is more than its revenue receipts, it is known as revenue deficit. The revenue expenditure of the government comprises the resources spent on those items which do not create assets like expenditure on civil administration, defence, law and order, justice, interest payment, subsidies and so on. The revenue receipts of the government includes tax revenues and non-tax revenues.

2. Budget Deficit When the total expenditure of the government is more than its total receipts, it is known as budget deficit or overall budgetary deficit. The total expenditure of the government includes both revenue expenditure and capital expenditure. Similarly, the total receipts of the government includes both revenue receipts and capital receipts.

3. Fiscal Deficit Since 1950, the Government recognised the above two concepts of deficit. Later in 1986, the third concept of deficit, called fiscal deficit, was introduced on the recommendation of the Sukhmoy Chakravarty Committee (1982–1985) on the Review of the Working of the Monetary System in India. The fiscal deficit refers to budgetary deficit plus market borrowings and other liabilities of the government. It measures the total borrowing requirements of the government from both internal and external sources.

4. Primary Deficit It indicates the fiscal deficit minus amount of interest paid by the government. It is also known as non-interest deficit. This concept of deficit was introduced recently.

5. Monetised Deficit The budget deficit can be financed in two ways: either by borrowing from the

public or by borrowing from the Reserve Bank of India (RBI). When it is financed through borrowing from the RBI, it is called Monetised Deficit. In other words, it is increase in the net RBI credit to the Government.

Role

Modern states have resorted to deficit financing under three different circumstances:

1. Depression The developed countries of Europe and USA resorted to deficit financing during the great depression of 1930s to deal with the problem of mass unemployment. It was J.M. Keynes who suggested the logic of deficit financing to fight cyclical depressions in capitalist countries and to eliminate mass unemployment. He opined that the main cause of unemployment in a developed country is lack of effective demand (for goods) which depends on the propensity for consumption. To overcome this problem, Keynes suggested deficit financing to finance public works projects. In case public works are not available, the governments should, according to Keynes, ask people to “dig wells and fill wells”. This increases the purchasing power of people and results in effective demand for goods. This further increases employment which again increases effective demand and hence employment and so on. Keynes called it “multiplier effect”. In this way, the economy can be revived and lifted from the morass of depression.

2. Economic Development The developing countries including India have resorted to deficit financing for financing economic development. This is because, these countries do not have sufficient resources to finance public investment to accelerate the process of development. The deficit financing helps rapid capital formation for economic development. It breaks bottlenecks and structural rigidities in the economy and thereby increases productivity. Thus, it provides stimulus to economic development by financing investment, employment and output in the economy. However, it has a negative effect on the economy, that is, inflationary rise in prices of goods and services. This is because, the deficit financing increases the supply of money in the economy without a corresponding increase in supply of goods and services. This inflationary character of deficit financing changes the pattern of investment by people, results in forced savings, adversely affects balance of payments, increases economic inequalities, increases credit creation by banks and so on.

3. War The modern states have also resorted to deficit financing to finance war operations. The financial resources raised by the governments through taxation and borrowing do not suffice to meet the cost of war. Hence, the governments have no alternative except to create new money by printing more currency. This war deficit financing brings in circulation a large quantity of money in the economy. This increases the monetary incomes and demand for goods. Such a situation results in inflation due to absence of corresponding increase in supply of goods.

Safe Limit

Deficit financing is a necessary evil. On the one hand, it is essential for economic development and on the other hand, it is intrinsically inflationary in nature. Hence, it should be kept within the safe limit so that it leads to capital formation without inflationary rise in prices. The various factors which determine the safe limit of deficit financing (or the measures needed to keep the deficit financing

within safe limit) are as follows:

1. Effective efforts should be made to mop up surplus money by higher taxation and increased loans.
2. The quantity of money injected into the economy should be to the extent of the rate of growth of the economy.
3. The newly created money should be used for productive purposes like irrigation, industrial development and so on.
4. The deficit-induced additional money should be used for the promotion of those projects which have short gestation period. This will increase the supply of goods quickly and thus check the price rise.
5. Efforts should be made to transfer the non-monetised sector (barter part of the economy) into the monetised sector.
6. There should be an effective regulation of prices of goods and distribution of goods through rationing.
7. The import of capital equipment, industrial raw material and food grains should be encouraged and that of luxury and semi-luxury goods should be discouraged.
8. The people should have the spirit of sacrifice and extend their cooperation in the implementation of the policies for reducing the price effect of deficit financing for capital formation.
9. The government should offer incentives to increase production in private sector.
10. Credit creation policies should be integrated with deficit financing to regulate the increased credit creation by banks.

PUBLIC DEBT

Meaning

Public debt is an instrument of resource mobilisation by the modern government. The revenue raised through taxation and other sources is not sufficient to meet the increased expenditure of the government. Revenue from taxation cannot be raised beyond a certain limit while, the deficit financing becomes inflationary when it crosses the safe limit. Hence the government has to resort to public debt to accelerate the process of development.

Public debt denotes borrowing by the government from the people, banks, financial institutions and so on. It is the debt incurred by the government in mobilising resources in the form of loans, which are to be repaid at a future date with interest.

Classification

Public debt is classified in the following ways:

1. Internal and External When the government borrows within the country, it is called internal debt. When the government, on the other hand, borrows from outside the country, it is called external debt. Internally, the government borrows from individuals, business establishments, financial institutions, commercial banks, and central bank. Externally, it borrows from foreigners, foreign

banks, foreign governments, and international institutions. Unlike internal debt, external debt involves material loss to the debtor country.

2. Voluntary and Compulsory When the government borrows by issuing securities to which people are free to subscribe, it is called voluntary debt. When the government, on the other hand, enforces borrowing through legal compulsion, it is called compulsory debt. Generally, public debts are voluntary in nature. The government resorts to compulsory loan under extraordinary circumstances like war, famine, or to curb inflation.

3. Productive and Unproductive Productive debt is one which is incurred for those projects which yield income to the government. For example, the debt incurred to meet expenditure on power projects, irrigation projects, public enterprises, and railways. The income derived from these assets is used to pay the interest and the principal of the debt. Unproductive debt, on the other hand, is one which neither yields any income to the government nor creates any asset. For example, debt incurred to cover any budgetary deficit or to finance war, earthquake, famine and drought. Hicks called these two types of debts as active debt and dead weight debt respectively.

4. Funded and Unfunded Funded debt is a long-term debt, payable after a year, while unfunded debt is a short-term debt, payable within a year. The former is incurred to create a permanent asset, whereas the latter is incurred to meet temporary gap in budget. Unfunded debt is also known as floating debt and includes treasury bills, ways and means advances from central bank and so on.

5. Redeemable and Irredeemable When the government borrows money with a promise to pay off in future at a specified date, it is known as redeemable debt. When the government, on the other hand, borrows without any intention to repay the same in future, it is known as irredeemable debt. However, the government continues to pay the interest on such loans. The redeemable and irredeemable debts are also known as terminable and perpetual debts.

A situation in which borrowings have to be resorted to just keep up with the servicing of debt is known as 'debt trap'. Debt servicing denotes payment of interest on debts as well as repayment of instalments of debts. The debt trap could be both internal and external.

Redemption

Redemption of public debt means repayment of public debt. There are various methods of redemption of public debt:

1. Refunding In this method, the government issues new bonds and securities in order to repay the matured loans. In other words, matured or old debts are replaced by new debts. Hence, the money burden of the debt is not relinquished. Rather, it is accumulated due to the postponement of debt repayment.

2. Terminable Annuities In this method, public debt is repaid in equal instalments. The government repays a part of the debt every year by issuing terminable annuities. Thus, the debt goes on diminishing annually and finally it vanishes.

3. Conversion When the rate of interest falls, the government converts the old loan into a new loan and thus reduces its interest payments. It may be compulsory or voluntary. Unlike refunding,

conversion involves changes in terms of loan including rate of interest. Dalton called this conversion process a 'Partial repudiation.'

4. Sinking Fund It connotes a 'debt redemption fund'. It involves the creation and the gradual accumulation of a separate fund by the government every year from its revenues to repay the debt. Although, it is the most systematic method of redemption, it is a slow process and the government may encroach upon it during a financial crisis.

5. New Taxation In this method, the government imposes new taxes and raises money for the repayment of old debts. It transfers the resources from tax-payers to the bond holders and thus causes redistribution of income and wealth in the community.

6. Capital Levy It connotes a special 'redemption levy'. Under this method, there will be single but very heavy taxation on the property and wealth of individuals; levied once for all for the clearance of the debt. It is usually levied after a war to repay the unproductive war debts. Its merit is that the country is thereby freed from the burden of interest payment in future.

7. Surplus Budget Under the surplus budget (income exceeding expenditure), the government is left with some money which can be used for the clearance of debts. A surplus budget can be realised in two ways: (a) through heavy taxation, or (b) through reduction in government expenditure.

8. Surplus BOP The repayment of external debt requires a surplus balance of payments (BOP). Hence, the government should accumulate the necessary foreign exchange by creating export surplus and by reducing imports. Temporarily, the external debt can be repaid through the floating of new external loans.

9. Currency Expansion Under this method, the government prints more currency to repay the debts. This results in inflation and destroys the value of fixed money claims. This method was used by Germany after the First World War (1914–1918).

10. Repudiation In this method, the government refuses to pay the interest or principal or both. In other words, the government does not recognise its obligation to repay the loans taken by it. In 1917, USSR repudiated all its debts, both internal and external.

ACCOUNTS AND AUDIT

Meaning of Accounts

The term 'Accounts' is defined as "Statements of facts relating to money or things having money value." The facts which are incorporated in the records of accounts are called 'transactions'. Thus, accounting means keeping a systematic record of financial transactions. It involves the collection, recording, classifying and summarising transactions of a financial nature and interpreting the results thereof.

Accounting has three purposes— (i) the determination of the fidelity of those handling funds; (ii) the furnishing of information regarding financial conditions and operations for policy-making and administrative purposes; and (iii) the keeping of expenditure within the budgetary provisions and

limitations.

Meaning of Audit

Audit is an important means of legislative control over financial administration. It is an instrument of enforcing accountability of administration to the legislature. It is a part of external control over administration.

Audit is an examination of the accounts in order to discover and report to the legislature the unauthorised, illegal or irregular expenditures and unsound financial practices on the part of administration. Its objective is to see that the expenditure is incurred with the sanctions of the competent authority, and made for the purpose for which it was sanctioned by the legislature.

The audit can be either post-audit or pre-audit. If the audit occurs after the money is spent, it is called post-audit. On the other hand, if the audit occurs before the money is spent or during the process of spending, it is referred to as pre-audit or concurrent audit.

Role of Audit

The following points highlight the role of audit in the modern state:

Regulatory Audit It is concerned with the legal and technical aspects of expenditure by the administration. It ensures the conformity of expenditure to laws, rules and regulations and sees that it is supported by adequate vouchers. Hence, it is also known as legal audit.

Propriety Audit It is concerned with the wisdom, faithfulness and economy of expenditure. It detects cases of extravagance and waste even when the expenditure is incurred according to laws, rules and regulations.

Performance Audit It is concerned with the appraisal of accomplishments. It measures the performance of administration against the expenditure incurred. Hence, it is also known as efficiency audit.

Separation of Accounts from Audit

Till 1976, accounting and auditing functions were combined in the office of the Comptroller and Auditor-General of India. In other words, he was responsible for both the compilation and maintenance of accounts as well as their auditing, not only with respects to the Central Government but also the state governments. This combined arrangement was a relic of the British rule and came to be criticised. Accordingly, the Inchcape Committee (1923), the Muddiman Committee (1924), the Simon Commission (1929), the Public Accounts Committee and the Estimates Committee recommended the separation of accounts from audit on following grounds.

- (i) The separation would increase the efficiency of Audit Department as it will be relieved of accounting responsibilities and can concentrate on audit functions only.
- (ii) The combined system has the inherent danger of frauds and embezzlements and prevent their coming to light.
- (iii) The combination of the two functions in a single office is not appropriate as accounting is an

executive function while auditing is a quasi-parliamentary function.

- (iv) The combined system requires the Comptroller and Auditor-General to audit the accounts which are compiled by himself. This places him in a highly embarrassing position and is against the practice of other modern governments which have separated the two functions.
- (v) The separation makes the spending departments not to exceed the appropriations sanctioned by the Parliament as they are entrusted with the accounting responsibilities.
- (vi) The separation would increase the independence of audit, as the combined system runs counter to the principle of independence of audit.
- (vii) The entrustment of accounting responsibilities to the departments would not only improve the system of accounting but also make them responsible.
- (viii) The separation of the two functions by entrusting the accounting responsibilities to executive departments not only facilitates close budgeting but also more effective formulation of revised estimates by them.
- (ix) The separation facilitates use of accounting in decision-making and financial management.

Departmentalisation of Accounts

In 1976, the Central Government separated accounting from audit by adopting the new scheme of departmentalisation of accounts. The salient features of the scheme of departmentalised management accounting system are as follows:

- (i) The Comptroller and Auditor-General of India was relieved of the responsibility of the compilation and maintenance of accounts of the Central Government and is now concerned with their auditing only. However, he continues to be responsible for the compilation and maintenance of accounts of the states which have not separated accounts from audit.
- (ii) The administrative departments have taken over most of the payment and receipt functions from the treasuries. In other words, they have assumed responsibility for making payments and their accounting.
- (iii) The Secretary of the ministry is designated as the chief accounting authority for all the transactions of the Ministry as well as its attached and subordinate offices. He is totally responsible for the working of the payment and accounting setup, and is also responsible for the certification of the monthly accounts. He discharges this responsibility through and with the assistance of the Integrated Financial Advisor of the Ministry.
- (iv) The Integrated Financial Advisor is the head of the payment and accounting organisation of the ministry. On behalf of the chief accounting authority (i.e. Secretary of the Ministry), he is responsible for the following:
 - (a) Formulation of the budget of the ministry and its departments.
 - (b) Control of expenditure.
 - (c) Arranging payments sanctioned by the ministry.
 - (d) Consolidation of the accounts of the ministry as a whole.
 - (e) Preparation of Appropriation Accounts for the grants controlled by the ministry.
 - (f) Introduction of an efficient system of management best suited to the functional requirements of the ministry and its departments.
 - (g) Internal audit of payments and accounts.
 - (h) Ensuring accuracy of accounts and efficiency of operations.

In the performance of the above duties, the Integrated Financial Advisor is assisted by principal accounts officers, the heads of pay and accounts offices, the Chief Controller of Accounts, and the Controller of Accounts.

Controller General of Accounts

In 1976, a new office of the Controller General of Accounts was established as a part of the Department of Expenditure of the Ministry of Finance. He is to administer matters relating to the departmentalisation of accounts of the Central Government. He is the technical authority heading the new accounting setup of Central Government. He is responsible for the following:

- (i) He prescribes general principles and form of accounts of Central as well as state governments and frames rules and manuals relating thereto.
- (ii) He carries out the budget control, payments, receipt collection and accounting functions for the Central Government.
- (iii) He provides regular feedback to the Finance Minister and other line ministries on the status of government finances.
- (iv) He provides technical advice to all civil ministries and departments on various accounting matters. His advice is binding on them.
- (v) He is responsible for disbursement and accounting of pension payments to government employees retiring from all civil ministries.
- (vi) He conducts the internal audit of the expenditure incurred by the various ministries and departments of the Central Government to bring out the financial irregularities.
- (vii) He is responsible for the evaluation and processing of proposals relating to the capital restructuring and disinvestments of various public sector undertakings of the Central Government. This job was entrusted to him in 1989.
- (viii) He manages the cadre of the Indian Civil Accounts Service and the total accounts' personnel deployed in civil ministries and is responsible for the entire gamut of personnel management in relation to them.
- (ix) He consolidates the monthly and annual accounts of the Central Government.
- (x) He administers rules under Article 283 of the Constitution. This article deals with the custody and other aspects of Consolidated Fund, Contingency Fund and moneys credited to the Public Accounts.
- (ix) He prepares a condensed form of the Appropriation Accounts and Finance Accounts of the Central Government. These, after getting audited by the Comptroller and Auditor-General of India, are placed before the Parliament by the President.

The Appropriation Accounts compare the actual expenditure under various grants with the amount of voted grants as specified in the Appropriation Act passed by the Parliament. On the other hand, the Finance Accounts shows (under the respective heads) the annual receipts and disbursements for the purposes of the Central Government.

Structure of Accounts

According to Article 150 of the Constitution, the form of the accounts of the Central and state governments is prescribed by the President of India on the advice of the Comptroller and Auditor-

General of India. Rule 204 of Lok Sabha states that the budget shall be presented to the Lok Sabha in such a form as the Finance Minister may (after considering the suggestions, if any, of the Estimates Committee) settle. In practice, the form of budget corresponds to the form of accounts.

The existing accounting practice could not meet the requirements of Performance Budgeting. Consequently, a revised accounting structure was introduced in 1974 by the Central Government to serve the objectives of management and the need of financial control and accountability.

In pursuance of this revised scheme, a five-tier classification of accounts has been adopted.

- Sectoral
- Major Head
- Minor Head
- Subhead
- Detailed Head

The sectoral classification has divided the functions of government into 3 sectors—General Services (with six subsectors), Social and Community Services, and Economic Services (with seven subsectors). In addition, there is a fourth sector, namely Grants-in-aid and Contributions.

The major head of account denotes a function of government (e.g. agriculture), while the minor head is assigned to a programme (e.g. agricultural farms). The subhead denotes the scheme covered by a programme and the detailed head represents the expenditure on the scheme in terms of inputs like salaries, investments, and so on.

In the new revised classification, the ‘Object Head’ (i.e. the object level of classification) has been retained and placed under the last tier. It provides item-wise control over expenditure.

The approval of the Comptroller and Auditor-General of India is required for any change in the major head.

ROLE OF UNION HOME MINISTRY

The Ministry of Home Affairs (MHA) has multifarious responsibilities, important among them being internal security, management of para-military forces, border management, Centre-state relations, administration of union territories, disaster management, etc.

Under the Seventh Schedule to the Constitution of India, **public order** and **police** are state subjects. However, Article 355 of the Constitution enjoins the Union to protect every state against external aggression and internal disturbance and to ensure that the government of every state is carried on in accordance with the provisions of the Constitution. In pursuance of these obligations, the Ministry of Home Affairs continuously monitors the situation, issues appropriate advisories, extends manpower and financial support, guidance and expertise to the state governments for maintenance of security, peace and harmony without encroaching upon the constitutional rights of the states.

Departments of the Ministry

The Ministry of Home Affairs has the following six constituent departments:

1. **Department of Internal Security:** It deals with the Indian Police Service, Central Police Forces, internal security and law and order, insurgency, terrorism, naxalism, activities of inimical foreign agencies, rehabilitation, grant of visa and other immigration matters, security clearances, etc.
2. **Department of States:** It deals with Centre-state relations, inter-state relations, administration of union territories, freedom fighters' pension, human rights, prison reforms, police reforms, etc.
3. **Department of Home:** It deals with the notification of assumption of office by the President and Vice-President, notification of appointment/resignation of the Prime Minister, ministers, governors, nomination to Rajya Sabha/Lok Sabha, census of population, registration of births and deaths, etc.
4. **Department of Jammu & Kashmir Affairs:** It deals with the constitutional provisions in respect of the state of Jammu & Kashmir and all other matters relating to the state, excluding those with which the Ministry of External Affairs is concerned.
5. **Department of Border Management:** It deals with the management of international borders, including coastal borders, strengthening of border guarding and creation of related infrastructure, border areas development, etc.

6. **Department of Official Language:** It deals with the implementation of the provisions of the Constitution relating to official languages and the provisions of the Official Languages Act, 1963.

Divisions of the Ministry

The different divisions of the Ministry of Home Affairs and the major areas of their responsibility are as below:

Administration Division It is responsible for handling all administrative and vigilance matters, allocation of work among various divisions of the ministry and monitoring of compliance of furnishing information under the Right to Information Act, 2005, matters relating to the Table of Precedence, Padma Awards, Gallantry Awards, Jeevan Raksha Padak, National Flag, National Anthem, State Emblem of India and Secretariat Security Organisation.

Border Management Division It deals with matters relating to coordination and concerted action by administrative, diplomatic, security, intelligence, legal, regulatory and economic agencies of the country for the management of international borders, including coastal borders, creation of infrastructure like integrated check posts, border out posts (BOPs), roads/fencing and floodlighting of borders and the Border Areas Development Programme.

Coordination Division It deals with intra-ministry coordination work, Parliamentary matters, public grievances (PGs), publication of annual report of the ministry, record retention schedule, custody of classified and non-classified records of the ministry, internal work study, furnishing of various reports relating to employment of SCs/STs and persons with disabilities to Department of Personnel and Training, etc.

Centre-state Division It deals with Centre-state relations, including working of the constitutional provisions governing such relations, appointment of Governors, creation of new states, nominations to Rajya Sabha/Lok Sabha, inter-state boundary disputes, over-seeing the crime situation in states, imposition of President's Rule, etc.

Disaster Management Division It is responsible for legislation, policy, capacity building, prevention, mitigation, long/term rehabilitation, response, relief and preparedness for natural calamities and man-made disasters (except drought and epidemics).

Finance Division It is responsible for formulating, operating and controlling the budget of the ministry and other matters pertaining to expenditure control and monitoring and financial advice, etc., under the Integrated Finance Scheme.

Foreigners Division It deals with all matters relating to visa, Protection Area Permit (PAP)/Restricted Area Permit (RAP) regimes, immigration, citizenship, overseas citizenship of India, acceptance of foreign contribution and hospitality.

Freedom Fighters and Rehabilitation Division It frames and implements the Freedom Fighters' Pension Scheme and the schemes for rehabilitation of migrants from former West Pakistan/East Pakistan and provision of relief to Sri Lankan and Tibetan refugees.

Human Rights Division It deals with matters relating to the protection of Human Rights Act and also matters relating to national integration, communal harmony and Ayodhya.

Internal Security-I Division It deals with matters relating to internal security and law and order, including anti-national and subversive activities of various groups/extremist organisations, policy and operational issues on terrorism, security clearances, monitoring of ISI activities, Home Secretary-level talks with Pakistan on counter terrorism, etc.

Internal Security-II Division It deals with matters relating to arms and explosives, extradition, narcotics and Narcotics Control Bureau and National Security Act.

Jammu & Kashmir Division It deals with constitutional matters including Article 370 of the Constitution of India and general policy matters in respect of J & K and terrorism/militancy in that state. It is also responsible for implementation of the 'Prime Minister's package' for Jammu & Kashmir.

Judicial Division It deals with all matters relating to the legislative aspects of the Indian Penal Code (IPC), Code of Criminal Procedure (Cr.P.C.) and the Commission of Inquiry Act. It also handles matters relating to state legislations which require the assent of the President under the Constitution, political pension to erstwhile rulers before independence and mercy petitions under Article 72 of the Constitution.

Naxal Management Division It deals with the naxalite menace from both security and development angles. It monitors the naxal situation and counter-measures being taken by the affected states with the objective of improving ground-level policing and development response as per the location specific action plans formulated/to be formulated by the affected states. It also reviews proper implementation of various developmental schemes of ministries/departments concerned in the naxal affected areas to ensure optimum utilisation of funds released under such schemes.

North East Division It deals with the internal security and law and order situation in North-Eastern states, including matters relating to insurgency and talks with various extremist groups operating in that region.

Police-I Division It functions as the cadre controlling authority in respect of Indian Police Service (IPS) and also deals with all matters relating to training of police personnel, award of President's Police Medals for Meritorious/Distinguished Service and Gallantry, etc.

Police-II Division It deals with all matters relating to Central Police Forces, including their deployment.

Police Modernisation Division It handles all items of work relating to modernisation of State Police Forces, provisioning/procurement of various items for modernisation of Central Police Forces, police reforms and security of VIPs/vital installations.

Policy Planning Division It deals with meetings of the SAARC Interior Home Ministers, matters relating to policy formulation in respect of internal security issues, international cooperation on counter-terrorism, international covenants, bilateral assistance treaties and related items of work.

Union Territories Division It deals with all legislative and constitutional matters relating to Union

Territories, including National Capital Territory of Delhi. It also functions as the cadre controlling authority of the Arunachal Pradesh–Goa–Mizoram and Union Territory (AGMUT) cadre of Indian Administrative Service (IAS)/Indian Police Service (IPS) as well as the Delhi–Andaman and Nicobar Island Civil Service (DANICS)/Delhi–Andaman and Nicobar Island Police Service (DANIPS). Further, it is responsible for over-seeing the crime and law and order situation in Union Territories.

Subordinate Agencies of the Ministry

The following agencies/organisations/institutions work under the administrative control of the Ministry of Home Affairs:

1. Intelligence Bureau
2. Border Security Force
3. Central Reserve Police Force
4. Central Industrial Security Force
5. Indo-Tibetan Border Police
6. National Security Guard
7. Sashastra Seema Bal
8. Assam Rifles
9. Bureau of Police Research & Development
10. National Institute of Criminology and Forensic Science
11. Central Forensic Science Laboratory
12. National Crime Records Bureau
13. Directorate of Coordination, Police Wireless
14. Central Hindi Training Institute
15. Central Translation Bureau
16. Narcotics Control Bureau
17. National Civil Defence College
18. Sardar Vallabhbhai Patel National Police Academy
19. National Fire Service College
20. Inter-State Council Secretariat
21. Director General of Civil Defence and Home Guards
22. Office of Registrar General and Census Commissioner of India
23. Zonal Council Secretariat
24. Committee of Parliament on Official Language
25. Repatriates Co-operative Finance & Development Bank Ltd.
26. National Institute of Disaster Management
27. National Foundation for Communal Harmony
28. Directorate of Forensic Science
29. Bureau of Immigration
30. National Investigation Agency
31. North-Eastern Police Academy
32. Central Finger Print Bureau
33. Office of the Custodian of Enemy Property for India

CENTRAL POLICE FORCES

Presently, there are eight Central Police Forces (CPFs), namely, Assam Rifles (AR), Border Security Force (BSF), Central Industrial Security Force (CISF), Central Reserve Police Force (CRPF), Indo-Tibetan Border Police (ITBP), National Security Guard (NSG), Sashastra Seema Bal (SSB) and Railway Protection Force (RPF). These forces are also known as the Central Para-Military Forces (CPMFs).

The AR, BSF, ITBP and SSB are the border guarding forces while the CRPF assists the states in matters related to law and order and is trained and equipped for internal security management.

The Rapid Action Force (RAF) and Commando Battalion for Resolute Action (CoBRA) are specialised wings of the CRPF to deal with riots and left wing militancy respectively.

The CISF provides security and protection to vital installations, Public Sector Undertakings (PSUs), airports, industrial buildings, museums and government buildings.

The NSG is a specialised force for counter-terrorism and anti-hijacking operations. It is also entrusted with the task of securing high risk VIPs.

The RPF is meant for providing security and maintenance of order in railways and their passengers/goods areas.

1. **Assam Rifles (AR):** Known as ‘Friends of the Hill People’, the AR, raised initially as ‘Cachar Levy’ in 1835, is the oldest police force in the country with headquarters at Shillong.

The AR has dual role of maintaining internal security in the states in the North Eastern Region and guarding the Indo-Myanmar Border.

2. **Border Security Force (BSF):** The BSF was raised in 1965 to do away with multiplicity of state forces guarding the Indian borders with the neighbouring countries.

The operational responsibility of BSF is spread over International Border with Pakistan and Bangladesh. It is also deployed on Line of Control (LoC) in Jammu & Kashmir.

3. **Central Industrial Security Force (CISF):** Raised in the year 1969, the CISF is mandated to provide security to major critical infrastructure installations of the country in diverse regions including terrorist and naxal affected areas. It is currently providing security cover to 289 units which include Atomic Power Plants, Space Installations, Defence Production Units, Mines, Oil Fields and Refineries, Major Sea Ports, Heavy Engineering Steel Plants, Fertilizer units, Airports, Hydro electric/thermal power plants, etc.

The CISF is also one of the largest fire protection service providers in the country. It provides fire protection cover to 80 industrial undertakings.

The CISF Act was amended to enable the force to provide security, on payment basis, to private/joint venture industrial undertakings, which are vital for the security and economy of the country.

4. **Central Reserve Police Force (CRPF):** Initially raised as the Crown Representative Police in 1939 at Neemuch, Madhya Pradesh, the Force was rechristened Central Reserve Police Force (CRPF) after Independence. Since then, the Force has achieved remarkable growth in strength and capabilities. It has become the largest Central Para-Military Force (CPMF).

The CRPF is at present handling a wide range of duties covering law and order and counter insurgency, anti-militancy and anti-terrorism operations. It plays a key role in assisting the states in maintaining public order and countering subversive activities of militant groups. It

plays an important role in the peaceful conduct of election in states/at the Centre.

The CRPF personnel are on continuous vigil in various sensitive areas. They are also performing guarding duties of the vital installations and buildings of religious importance. Further, they play an important role in the arrangements for the annual Amarnath Yatra in Jammu and Kashmir.

Rapid Action Force (RAF): In 1992, some battalions of CRPF were reorganised and converted into RAF. The personnel in RAF are trained and equipped to be an effective strike force in communal riots or similar situations. These battalions are located at communally sensitive locations across the country to facilitate quick response in case of such incidents.

Commando Battalions for Resolute Action (CoBRA): In 2008, the Government approved the raising of a specialised force named CoBRA in the CRPF. The CoBRA battalions are trained and equipped for commando and guerilla / jungle warfare type of short and intelligence based quick operations, and are located in areas affected by Left Wing extremism.

5. **Indo-Tibetan Border Police Force (ITBP):** The ITBP was raised in the wake of India-China conflict in 1962. It is deployed from the north-western extremity of the Indo-China Border up to the tri-junction of India, China and Myanmar.

The ITBP also provides security to VVIPs, VIPs and protects vital installations, which include the Rashtrapati Bhawan, the Vice-President's House, Parliament House and Raj Bhawan in Sikkim and Arunachal Pradesh.

The ITBP has been providing security cover to the *yatris* of Kailash Mansarover Yatra since 1981. It has been designated as the First Responder in the Himalayas for disaster management operations.

6. **National Security Guard (NSG):** The NSG was set up in 1984 as a Federal Contingency Deployment Force for combating terrorist activities with a view to protecting the states against internal disturbances. It is a task-oriented force and has two complementary elements in the form of the Special Action Group (SAG), comprising army personnel, and the Special Rangers Group (SRG), comprising personnel drawn from the Central Police/State Police Forces.

The NSG commandos are trained in high-risk tasks like counter-hijacking and counter-terrorist operations. They are also assigned the task of providing mobile security protection to designated high risk VIPs. The NSG commandos are also deployed to provide security cover during important events like Republic Day, Parliament Sessions, Independence Day and visits of VVIPs and during national important seminars, conferences, etc. In addition, they perform duties as sky marshals to cover designated domestic and international flights.

7. **Sashastra Seema Bal (SSB):** The Special Service Bureau (SSB) was set up in 1963 in the wake of India-China conflict of 1962 to build up the morale and capability in the border population against threats of subversion, infiltration and sabotage from across the border. It became a border guarding force in 2001 and was rechristened 'Sashastra Seema Bal'.

The SSB has been given the border guarding responsibilities along the Indo-Nepal and Indo-Bhutan Borders. Its battalions have also been deployed for election duties and on internal security duties in naxal affected areas.

8. **Railway Protection Force (RPF):** The RPF has been constituted under the Railway Protection Force Act, 1957 for the better protection and security of railway property and tracks and ensuring smooth traffic of cargo and passengers. It has replaced the railway watch-

and-ward staff of the British days.

The RPF is different from the Railway Police/Government Railway Police (GRP) which is a special branch of the state police and responsible for preventing and investigating crimes committed on the railways or within the railway premises. On the other hand, the RPF is a separate armed police force controlled by the Central Railway Ministry itself.

Table 9.1 Strength and Expenditure of Central Police Forces

<i>S.No.</i>	<i>Name of the Force</i>	<i>Manpower Status (2013)</i>	<i>Expenditure Incurred (2010-11) (₹ in crore)</i>
01.	AR	64,678	2829.07
02.	BSF	227,701	7366.87
03.	CISF	116,776	3202.46
04.	CRPF	273,950	7866.88
05.	ITBP	67,263	1862.35
06.	NSG	8,676	462.71
07.	SSB	66,902	1643.40
08.	RPF	57,635	2219.87
	Total	883,581	27453.61

CENTRAL POLICE ORGANISATIONS

Bureau of Police Research and Development (BPRD) The BPRD was set up in 1970 to identify the needs and problems of police in the country, undertake appropriate research projects and studies and to suggest modalities to overcome the same. It was also mandated to keep abreast of latest developments in the fields of science and technology, both in India and abroad, with a view to promoting the use of appropriate technology in police work.

Over the years, this organisation has been entrusted with the responsibility of monitoring the training needs and quality of training in states and Central Government, assisting states in modernisation of police forces and correctional administration.

National Crime Records Bureau (NCRB): The NCRB was set up in 1986 to function as a clearing house of information on crime and criminals including those operating at national and international levels, so as to assist the investigators and others by linking crime to the perpetrators, collection and processing of crime statistics and finger prints, coordinate, guide and assist the State Crime Record Bureaux and provide training to police officers.

The NCRB endeavours to empower Indian Police with Information Technology and Criminal Intelligence to enable them to effectively and efficiently enforce the law and improve public service delivery. This is achieved through coordination with police forces at national and international levels, upgradation of crime analysis technology and developing IT capability and IT-enabled solutions.

Central Finger Print Bureau (CFPB): The CFPB is an apex body in the country which co-ordinates, guides, monitors and provides technical support to the State Finger Print Bureaux, as well

as investigating agencies and international organisations in matters relating to the finger-print science. It provides expert opinion on references received from various agencies.

The CFPB has done pioneering work in automation of finger prints at national level using “Automated Fingerprint Identification System” (AFIS). The AFIS is a computerised system of matching fingerprints on the basis of ridge-characteristics.

Directorate of Forensic Science (DFS): The DFS came into existence in 2003. Three Central Forensic Science laboratories at Kolkata, Hyderabad, Chandigarh and three laboratories of Government Examiner of Questioned Documents, Kolkata, Hyderabad and Shimla are functioning under the DFS.

The DFS laboratories conduct specialised training courses in the areas of White Collar Crimes, DNA Fingerprinting Techniques, Forensic Explosives, Crime Scene Management, R&D Management, Questioned Documents, Forensic Auditing, Credit Card Frauds, Forensic Toxicology, NAA techniques, Detection of metallic poisons in food articles, handling of NBC agents, Ballistics GSR Analysis, Fire Arms Experts Training Programme, Audio Video Examination, Crime against Women and Computer Forensics.

National Institute of Criminology and Forensic Science (NICFS): The NICFS, a pioneering institution for advancement of Criminology and Forensic Science through training and research, was set up in 1972. It was renamed “Loknayak Jayaprakash Narayan National Institute of Criminology and Forensic Science” in 2003.

The NICFS is a premier institution for training of senior functionaries of the Criminal Justice system in the twin fields of Criminology and Forensic Science, as well as for research related to these fields. It also offers M.A./M.Sc. programmes in Criminology and Forensic Science.

Central Forensic Science Laboratory (CFSL): The CFSL is a scientific department under the administrative control of CBI and overall control of the Ministry of Home Affairs. It undertakes the scientific analysis of crime exhibits referred to by CBI, Delhi Police, Judiciary and Vigilance Departments of Ministries & Undertakings & State/Central Govt. Departments.

The experts of CFSL examine the exhibits forwarded by the investigating agencies and render expert opinion and substantiate their opinions in the court of law through court testimony and evidence. The services of the scientific experts of this laboratory are also utilised at the scene of crime throughout India by CBI for detection of physical clues.

The CFSL impart training to the CBI investigating officers and to other trainees of forensic science. It also undertakes R&D work related to art and skill developments in forensic science.

Directorate of Coordination, Police Wireless (DCPW): The DCPW is a nodal agency for coordinating various police communication services in the country. It not only acts as a technical adviser to Ministry of Home Affairs and state/Central police organisations in all police communication related matters, but also operates inter-state police wireless network with its offices at all state and UT capitals.

Apart from providing the police wireless services for inter-state and inter-organisational requirement, a satellite based all-India police tele-communications network namely POLNET has been established. The POLNET provides connectivity to all districts, state headquarters and the national capital.

This organisation also shoulders the responsibility for modernising police telecommunications,

training the police radio frequency distribution, formulating technical specifications for communication equipment, testing/evaluating instruments for induction, etc.

The DCPW is the Central distributing authority appointed by Ministry of Home Affairs for the purpose of cipher documents/devices being used by state police radio organisations and inter-state police.

Narcotics Control Bureau (NCB): The NCB is the national nodal agency created under the Narcotic Drugs and Psychotropic Substances Act, 1985, for combating illicit trafficking in narcotic drugs and psychotropic substances. It is responsible for coordination with various ministries, other offices and state/Central enforcement agencies.

The NCB is also responsible for implementation of the international obligations under various UN Conventions 1961, 1971, 1988 (to which India is a signatory) against illicit trafficking of narcotic drugs and psychotropic substances. It provides assistance to concerned authorities in various countries to facilitate universal action for prevention and suppression of illicit trafficking in narcotic drugs and psychotropic substances.

The NCB, being the national nodal agency for drug law enforcement, supports the state governments by providing Central assistance to procure necessary infrastructure and equipments to improve their enforcement capabilities in combating drug trafficking.

Sardar Vallabhbhai Patel National Police Academy (SVPNPA) The SVPNPA, which was established in 1948 at Mount Abu and shifted to Hyderabad in 1975, is a premier police training institution in the country and now functions as a 'centre of excellence'.

The Academy conducts both basic and in-service courses for the IPS officers at various levels. Besides, it conducts induction training for the SPS officers on their induction to IPS.

The Academy runs special courses to train the trainers/instructors of police training institutions of the states as well as Central Police Forces.

The Academy also conducts short duration courses for officers of Indian Administrative Service (IAS), Indian Revenue Service (IRS), Indian Audit and Accounts Service (IA & AS), Indian Forest Service (IFS) and also the officers of the judicial probation and prison departments, public sector undertakings (PSUs), banks and insurance companies, etc.

North Eastern Police Academy (NEPA) The NEPA was first established as Regional Police Training College in 1977 at Barapani near Shillong, to cater to police training requirements of the north-eastern states. It was later renamed North Eastern Police Academy in 1980.

The NEPA conducts both induction and in-service courses for the police personnel of NE states at the various levels. It also conducts workshops/seminars on topics, which have particular relevance to the policing in the region.

The NEPA is a state-of-the-art institute catering to the training needs of north eastern states while also working as a repository of information related to the north-east specific issues on policing and internal security.

CENTRAL INTELLIGENCE AGENCIES

Intelligence Bureau (IB)

The IB is the internal intelligence agency of the country. It is placed under the control of the Central Home Ministry. It is responsible for collection, collation, processing and dissemination of internal intelligence. It has its branches in all state capitals and important cities of the country.

The main role of the IB is to collect intelligence about terrorist and subversive activities and adopt strategies to counter threats to internal security of the nation. Its advice and directions are usually accepted by the states in all security matters.

The IB is a legacy of the British rule. It was established in 1887. Thus, it is 120 plus years old and probably the world's oldest intelligence agency.

Research and Analysis Wing (RAW)

The RAW is the external intelligence agency of the country. It is placed under the control of the Central Cabinet Secretariat. It is responsible for collection of external intelligence and launching covert operations. It also provides an assessment of the political and military developments in foreign countries, particularly the neighbouring countries, and thus enables the authorities to take the necessary action.

The RAW was established in 1968. Until this time, the IB was dealing with both internal and external intelligence. However, the Indo-China War of 1962 and the Indo-Pak War of 1965 witnessed the need for separation of these two intelligence operations. Hence, the IB was bifurcated in 1968 and the external intelligence operations were entrusted to the newly created RAW.

Central Economic Intelligence Bureau (CEIB)

The CEIB is the nodal agency on economic intelligence. It was set up in 1985 for coordinating and strengthening the intelligence gathering activities, and enforcement action by various agencies concerned with investigation into economic offences and enforcement of economic laws.

The CEIB functions as the secretariat for the Economic Intelligence Council (EIC) and as the coordinator and repository of economic intelligence. It supervises and monitors the functioning of 22 Regional Economic Intelligence Councils (REICs) which are the nodal agencies for coordination at the field level and have been constituted amongst various enforcement and investigative agencies dealing with economic offences.

Directorate of Central Excise Intelligence (DCEI)

The functions of the DCEI are as follows:

- (a) To collect, collate and disseminate intelligence relating to evasion of Central Excise duties and Service Tax
- (b) To study the price structure, marketing patterns and classification of commodities vulnerable to evasion of Central Excise duties.
- (c) To coordinate action with other departments like Income Tax etc, in cases involving evasion of Central Excise duties and Service Tax, and
- (d) To investigate cases of evasion of Central Excise duties and Service Tax having Inter-Commissionerate ramification.

Directorate of Revenue Intelligence (DRI)

The functions of the DRI are as follows:

- (a) To study and disseminate intelligence about smuggling
- (b) To identify the organised gangs of smugglers and areas vulnerable to smuggling, collection of intelligence against them and their immobilisation
- (c) To maintain liaison with the intelligence and enforcement agencies in India and abroad for collection of intelligence and in-depth investigation of important cases having Inter-Commissionerate and international ramification, and
- (d) To alert field formations for interception of suspects and contraband goods, assessment of current and likely trends in smuggling.

Financial Intelligence Unit (FIU)

The FIU has been set up in 2004 to coordinate and strengthen the collection and sharing of financial intelligence through effective national, regional and global network to combat money laundering and related crimes.

The FIU is the central national agency responsible for receiving, processing, analysing and disseminating information relating to suspect financial transactions. It receives prescribed information from various entities in the financial sector under the Prevention of Money Laundering Act 2002 (PMLA) and in appropriate cases, disseminates information to relevant intelligence/enforcement agencies.

National Technical Research Organisation (NTRO)

The NTRO is entrusted with the task of planning, designing, establishing and operating important technical facilities in the country. It is also responsible for monitoring and conducting defensive and offensive cyber operations.

The NTRO was created in 2002. It is placed under the direct control of the National Security Advisor (NSA).

CENTRAL INVESTIGATION AGENCIES

1. National Investigation Agency (NIA): The NIA has been created in pursuance of the enactment of the NIA Act, 2008. It is mandated, at the national level, to investigate and prosecute offences affecting the sovereignty, security and integrity of India, friendly relations with foreign States and offences under Acts enacted to implement international treaties, agreements, conventions and resolutions of the United Nations and other international organisations.

Therefore, the NIA was created by Parliament to enable the detection, prevention, investigation and prosecution of terrorism-related incidents in India on a national scale. It is the only exclusive counter-terrorism agency in India. It is a law enforcement agency dedicated towards countering terrorists anywhere in India at anytime. It is not merely a post-incident investigating agency, but also a pre-incident disruption agency.

A workshop on NIA was organised by the Ministry of Home Affairs in 2009 to explain the legal framework to fight terrorism in the country. It was also suggested that NIA should hold regional quarterly meetings with State Police and Union Territory Police forces to discuss the status of cases under investigation and prosecution, fugitives, and other issues relating to mutual cooperation and assistance in criminal investigation etc. Pursuant to this decision, the states have nominated Nodal officers, and quarterly coordination meetings are held Zone-wise to discuss the above issues.

2. Central Bureau of Investigation (CBI): The CBI was established by a resolution in 1963. At present, it comprises the following divisions:

- (i) Anti-Corruption Division
- (ii) Economic Offences Division
- (iii) Special Crimes Division
- (iv) Policy and International Police Cooperation Division
- (v) Administration Division
- (vi) Directorate of Prosecution
- (vii) Central Forensic Science Laboratory

The CBI is a multidisciplinary investigation agency of the Government of India and undertakes investigation of corruption related cases, economic offences and cases of conventional crime.

The CBI normally confines its activities in the anti-corruption field to offences committed by the employees of Central Government and Union Territories and their public sector undertakings.

The CBI takes up investigation of conventional crimes like murder, kidnapping, rape etc., on reference from the state governments or when directed by the Supreme Court/High Courts.

The CBI acts as the “National Central Bureau” of Interpol in India. The Interpol Wing of the CBI coordinates requests for investigation-related activities originating from Indian law enforcement agencies and the member countries of the Interpol.

3. Directorate of Enforcement: The Directorate of Enforcement came into existence in 1960. It is implementing two statutes, viz, Foreign Exchange Management Act, 1999 (FEMA), and Prevention of Money Laundering Act, 2002 (PMLA). It is also processing and recommending cases for Preventive Detention of offenders under Conservation of Foreign Exchange & Prevention of Smuggling Activities Act, 1975 (COFEPOSA). Further, it is handling the residuary work related to FERA, 1973, i.e., cases under adjudication, trial as also the pending penalties-related tasks.

The Directorate is mandated to enforce the provisions of FEMA. The cases of suspected contravention of the provisions of FEMA are detected and investigated, followed by adjudication proceedings, which are quasi-judicial in nature, and which entail imposition of penalties on the offenders, besides ordering confiscation of the funds involved therein.

The Directorate is responsible for (a) investigation of cases for the offence of money laundering (b) seizure or attachment of property involved in the offence of money laundering and (c) prosecuting the persons accused of the offence of money laundering.

4. Central Bureau of Narcotics (CBN): India is a signatory to Single Convention on Narcotic Drugs, 1961, the Convention on Psychotropic Substances, 1971, and United Nations Convention Against Illicit Traffic in Narcotic Drugs & Psychotropic Substances of 1988.

In India, control over Narcotic Drugs and Psychotropic Substances and precursor chemicals is exercised through the provision of Narcotic Drugs & Psychotropic Substances Act, 1985.

The CBN undertakes action to prevent the illicit trafficking of Narcotic Drugs and Psychotropic Substances. It also undertakes investigation and prosecution of drug related offences, and tracing and freezing of illegally acquired property of drug traffickers for forfeiture and confiscation.

STATE POLICE ADMINISTRATION

Under the Constitution of India, 'public order' and 'police' are state subjects. Therefore, the state governments are primarily responsible for the maintenance of public order and prevention and detection of crimes within their jurisdictions. For this purpose, the states have their own police organisations.

The structure and functioning of the state police forces are governed by the Indian Police Act of 1861. Later, some states have also enacted their own State Police Acts, mostly on the lines of the 1861 Act. Further, the Indian Penal Code (1862), the Indian Evidence Act (1872) and the Code of Criminal Procedure (1973) also govern the functioning of the state police forces.

The Home Department of a state government is responsible for law and order and policy matters regarding police administration in the state. It is headed politically by the Home Minister, and administratively by the Home Secretary. It exercises administrative control over the state police organisation (i.e., executive organisation) called as the State Police Department.

Organisation of State Police

The Director-General of Police (DGP) is the executive/administrative head of the State Police Department. He advises the state government on all police matters, both administrative and operational. He is responsible to the state government for the administration of the police force throughout the state.

For the purpose of police administration, a state is divided into a number of police ranges. A police range consists of a group of districts. Thus, a police range is below the state level but above the district level. Each police range is headed by a Deputy Inspector General of Police (DIG).

Some states have also created police zones, each comprising two or more police ranges. In other words, a police zone is an intermediary between the state and police ranges. Each police zone is headed by an Inspector General of Police (IGP).

A district is the most important unit of police administration in the state. A district police force is placed under the charge of a Superintendent of Police (SP). According to the Indian Police Act of 1861, the administration of police in a district is vested in the SP, but subject to the general control and direction of the District Magistrate (i.e., District Collector). Thus, there is a system of dual control of law and order in the district, that is, control by the district magistrate and control by the departmental line headed by the DGP.

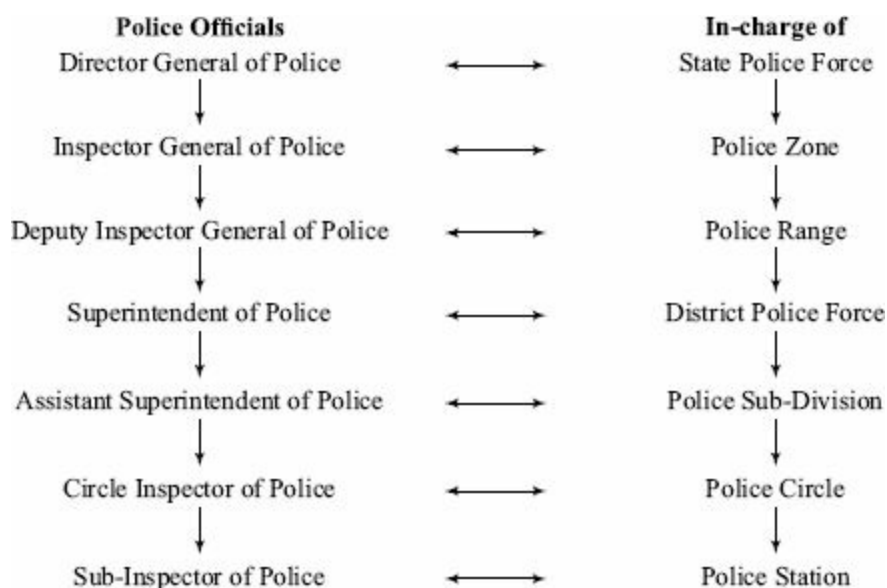
A district is divided into a number of police sub-divisions. Each police sub-division is placed under the charge of an Assistant Superintendent of Police (ASP).

A police sub-division is further divided into a number of police stations. Each police station is placed under the charge of a Sub-Inspector of Police (SI).

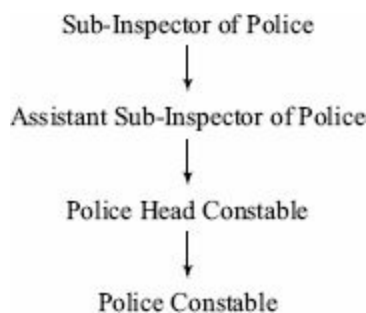
Some states have also created police circles, each comprising three to six police stations. Each police circle is headed by a Circle Inspector of Police (CI).

The police station is the lowest tier in the state police organisation and also the basic and primary unit of police administration in the state. The Assistant Sub Inspectors of Police (ASIs), Police Head Constable (HC) and Police Constables (PCs) assist the SI who is also called the Station House Officer (SHO).

The entire organisational set-up of the state police is shown below.



The hierarchy of police officials in a police station is shown below:



The number of police zones, ranges, districts, sub-divisions, circles and police stations in the states and union territories is mentioned in [Table 9.2](#).

Table 9.2 Organisational Set-up of State Police (2013)

<i>Sl. No.</i>	<i>States/UTs.</i>	<i>Police Zones</i>	<i>Police Ranges</i>	<i>Police Districts</i>	<i>Police Sub-Div.</i>	<i>Police Circles</i>	<i>Police Stations</i>
1.	Andhra Pradesh	6	9	29	164	446	1679
2.	Arunachal Pradesh	1	3	18	9	18	72
3.	Assam	0	6	28	28	48	340
4.	Bihar	4	11	40	108	210	969
5.	Chhattisgarh	0	5	28	86	0	416
6.	Goa	0	0	2	8	0	25
7.	Gujarat	0	7	33	96	85	593

8.	Haryana	0	4	21	47	0	269
9.	Himachal Pradesh	0	3	13	0	0	103
10.	Jammu & Kashmir	2	7	25	46	0	215
11.	Jharkhand	5	7	26	40	138	439
12.	Karnataka	0	6	30	131	230	916
13.	Kerala	2	4	19	54	197	468
14.	Madhya Pradesh	11	15	50	143	0	1003
15.	Maharashtra	35	8	37	384	0	1054
16.	Manipur	3	4	9	26	0	80
17.	Meghalaya	0	2	11	5	19	39
18.	Mizoram	0	2	8	17	0	38
19.	Nagaland	1	3	11	16	9	72
20.	Odisha	0	8	36	111	0	583
21.	Punjab	4	7	24	118	0	381
22.	Rajasthan	9	7	36	0	197	817
23.	Sikkim	1	1	4	11	0	28
24.	Tamil Nadu	4	12	33	241	331	1324
25.	Tripura	0	2	8	27	0	71
26.	Uttar Pradesh	8	18	75	0	380	1515
27.	Uttarakhand	0	4	13	0	35	125
28.	West Bengal	3	8	23	65	87	442
29.	A&N Islands	0	0	3	5	1	24
30.	Chandigarh	0	0	1	3	0	11
31.	D & N Haveli	0	0	1	1	0	2
32.	Daman & Diu	0	0	2	2	0	5
33.	Delhi	0	4	11	54	0	180
34.	Lakshadweep	1	1	1	1	1	16
35.	Puducherry	0	0	2	6	15	46
All India		100	178	711	2,053	2,447	14,360

Functions of State Police

According to the Indian Police Act of 1861, the functions of the state police include the following:

1. To obey and execute all orders and warrants lawfully issued to it by any competent authority
2. To collect and communicate intelligence affecting the public peace
3. To prevent the commission of offences and public nuisances
4. To detect and bring offenders to justice
5. To apprehend all persons whom it is legally authorised to apprehend, and for whose apprehension sufficient ground exists

6. To enter and inspect any alcohol shop, gaming-house or other place of resort of loose and disorderly characters

The National Police Commission (1977–1980) suggested the following functions to the state police:

1. To promote and preserve public order
2. To investigate crimes, apprehend the offenders where appropriate and participate in subsequent legal proceedings connected therewith
3. To identify problems and situations that are likely to result in commission of crimes
4. To reduce the opportunities for the commission of crimes through preventive patrol and other appropriate police measures
5. To aid and co-operate with other relevant agencies in implementing appropriate measures for prevention of crimes
6. To aid individuals who are in danger of physical harm
7. To create and maintain a feeling of security in the community
8. To facilitate orderly movement of people and vehicles
9. To counsel and resolve conflicts and promote amity
10. To provide appropriate services and afford relief to people in distress situations
11. To collect intelligence relating to matters affecting public peace and crimes in general including social and economic offences, national integrity and security
12. To perform other duties enjoined on it by the laws

The Second Administrative Reforms Commission (2005–2009) classified the functions of the state police into the following categories:

1. Prevention of crime including intelligence gathering
2. Investigation of crimes
3. Maintenance of public order
4. Assistance in criminal trial
5. Providing security to vital installations and important persons
6. Service-oriented functions:
 - (a) Emergency duties during natural calamities
 - (b) Providing assistance to other agencies
 - (c) Assisting in conducting elections
 - (d) Traffic control
 - (e) Verification of antecedents
 - (f) Helping enforcement of laws

CITY POLICE ADMINISTRATION

Commissionerate System

In the metropolitan and other big cities, the commissionerate system of policing has been adopted. Under this system, the Commissioner of Police is made responsible for the city police administration and the entire police force is placed under his charge.

Unlike the district SP who acts under the general control and direction of the district magistrate (i.e., district collector), the Commissioner of Police acts independently of the district magistrate. He is endowed with all the magisterial powers which are usually exercised by the district magistrate in a district. This means that the district magistrate has no role in the city police administration.

In his task, the Commissioner of Police is assisted by a number of Additional Commissioners of Police, Joint Commissioners of Police, Deputy Commissioners of Police, Assistant Commissioners of Police, Inspectors of Police, Sub-Inspectors of Police and other lower rank police officials.

Initially, the commissionerate system of policing prevailed only in four cities. After Independence, this system has been extended to a number of other cities. The present position is indicated below in [Table 9.3](#).

Table 9.3 Cities with Police Commissioner System (2013)

<i>Sl. No.</i>	<i>States / UTs</i>	<i>No. of Cities</i>	<i>Name of Cities</i>
1.	Andhra Pradesh	4	1. Visakhapatnam 2. Vijayawada 3. Hyderabad 4. Cyberabad
2.	Punjab	3	1. Amritsar 2. Jalandhar 3. Ludhiana
3.	Gujarat	4	1. Baroda 2. Ahmedabad 3. Rajkot 4. Surat
4.	Haryana	3	1. Gurgaon 2. Faridabad 3. Ambala-Panchkula
5.	Karnataka	4	1. Bangalore City 2. Mysore City 3. Hubli-Dharwad City 4. Mangalore City
6.	Kerala	5	1. Thiruvananthapuram City 2. Kochi City 3. Kozhikkod City 4. Kim City 5. Tsr City
7.	Maharashtra	10	1. Mumbai 2. Nashik 3. Aurangabad 4. Solapur 5. Pune 6. Thane 7. New Mumbai 8. Nagpur 9. Amravati 10. R.

8.	Odisha	2	Mumbai	1. Bhubaneswar	2. Cuttack
9.	Rajasthan	2	1. Jaipur	2. Jodhpur	
10.	Tamil Nadu	6	1. Greater Chennai	2. Salem	3. Coimbatore
				4. Madurai	5. Trichy
				6. Tirrunelveli	
11.	West Bengal	3	1. Howrah	2. Asansol-	Durgapur
				3. Kolkata	
12.	NCT Delhi	1	NCT Delhi		
	Total	47			

Functions of Commissioner

The Commissioner of Police has been assigned the following duties and responsibilities:

1. Continuous evaluation of emerging issues and formulation of police policy for maintenance of law and order and prevention and detection of crimes
2. Effective coordination among different wings of the city police
3. Organisation of community-policing system for building an effective police-public relations mechanism for prevention and detection of crime and for maintenance of law and order, etc.
4. Organisation and implementation of policing beats, patrols and surveillance
5. Building and updating crime and criminal information system
6. Ensuring internal vigilance to enforce code of conduct
7. Arranging regular on the job training courses, their progress and impact
8. To keep all members of the city police in a state of high efficiency and morale
9. Building effective intelligence mechanism to monitor and control communal, terrorist and subversive activities
10. Giving high priority and attention to traffic education, and enforcement as well as training of traffic personnel
11. Maintaining the reserve police of the city fully trained and prepared to be an effective striking force in times of need
12. Inspecting and visiting the various units in his charge and to arranging for the periodical inspection by the Additional/Joint/Deputy/Assistant Commissioners.

ROLE OF HOME GUARDS

Emergence Home Guards is a voluntary force, first raised in India in 1946, to assist the police in controlling civil disturbance and communal riots. Subsequently, the concept of the voluntary citizens' force was adopted by several states. In the wake of Chinese aggression in 1962, the Centre advised the states and union territories to merge their existing voluntary organisation into one uniform

voluntary force known as Home Guards.

Functions The functions of Home Guards are as follows:

1. To serve as an auxiliary to the police in the maintenance of law and order and internal security situations
2. To help the community in any kind of emergency such as an air-raid, fire, cyclone, earthquake, epidemic, etc.
3. To help in maintenance of essential services
4. To promote communal harmony and assist the administration in protecting weaker sections
5. To participate in socio-economic and welfare activities
6. To perform civil defence duties

Organisation Home Guards are of two types—rural and urban. In the border states, Border Wing Home Guards Battalions have also been raised, which serve as an auxiliary to the Border Security Force. The total strength of Home Guards in the country is 5,73,793 against which the raised strength is of 5,04,621 Home Guards. The organisation is spread over in all states and union territories except in Kerala.

Recruitment Home Guards are raised under the Home Guards Act and Rules of the states/union territories. They are recruited from various cross sections of the people such as doctors, engineers, lawyers, private sector organisations, college and university students, agricultural and industrial workers, etc., who give their spare time to the organisation for betterment of the community. All citizens of India, who are in the age group of 18–50, are eligible to become members of Home Guards. Normal tenure of membership in Home Guards is three to five years.

Facilities The amenities and facilities given to Home Guards include free uniform, duty allowances and awards for gallantry, distinguished and meritorious services. A Home Guard, whenever called out for duty/training, is paid duty/training allowance at prescribed rates to meet out-of-pocket expenses.

Training The members of Home Guards with three years service in the organisation are trained by the police in maintenance of law and order, prevention of crime, anti-dacoity measures, border patrolling, prohibition, flood relief, fire-fighting, election duties and social welfare activities. In the event of national emergency, some portion of civil defence work is also entrusted to the Home Guards.

Centre-State Coordination The Ministry of Home Affairs formulates the policy in respect of role, raising, training, equipping, establishment and other important matters of Home Guards Organisation. The expenditure on Home Guards is generally shared between Central and state governments in the ratio of 25% by the Centre and 75% by the state governments for raising, training and equipping on reimbursement basis. For North-Eastern states, the sharing pattern between the Centre and states is in the ratio of 50:50.

CIVIL DEFENCE ORGANISATION

Meaning Civil defence includes any measures not amounting to actual combat, for affording

protection to any person, property, place or thing in India against any hostile attack whether from air, land, sea or other places or for depriving/mitigating the effect of any such attack: whether such measures are taken before, during or after the time of such attack. It is to be organised as an integral part of the defence of the country.

Functions During times of war and emergencies, the Civil Defence Organisation has the vital role of guarding the hinterland, supporting the armed forces, mobilising the citizens and helping civil administration for

1. saving life and property
2. minimizing damage
3. maintaining continuity in production centers and
4. raising public morale.

The concept of civil defence over the years has shifted from management of damage against conventional weapons to also include threat perceptions against nuclear weapons, biological and chemical warfare and natural disasters.

Policy The Civil Defence Act, 1968 is applicable throughout the country, but the Civil Defence Organisation is raised only in such areas and zones which are considered vulnerable to enemy attacks. The revision and renewal of categorised civil defence towns is being done at regular intervals, with the level of perceived threat with regards to external aggression or hostile attacks by anti-national elements or terrorists to vital installations, being the fundamental criterion for categorisation. At present, civil defence activities are restricted to 225 categorised towns, spread over the states/union territories.

Organisation Civil Defence is primarily organised on a voluntary basis except for a small nucleus of permanent staff and establishment, which is augmented during emergencies. The present target of civil defence volunteers is 13.20 lakh, out of which 5.51 lakh volunteers have already been raised and 4.61 lakh have been trained. These volunteers are supervised and trained by Deputy Controllers, Medical Officers and Civil Defence Instructors, who hold permanent posts.

Training Apart from carrying out training and rehearsal/demonstration of civil defence measures during peace time, civil defence volunteers are also deployed, on a voluntary basis, in various constructive and nation building activities, which include providing assistance to the administration in undertaking social and welfare services and in the prevention/mitigation of natural/man-made disasters as well as in post-disaster response and relief operations. The civil defence training is conducted by the state governments/UT administrations in three tiers, i.e. at the local/town level, state level and national level.

Role in Law and Order The scheme for revamping the civil defence set-up in the country, which has been launched in 2009, focuses on the training of civil defence volunteers in the following areas :

1. Intelligence gathering, maintenance of communal harmony, prevention of rumour mongering, reporting of suspicious activities and maintaining general vigil in the area of their operation
2. Assisting police in law and order situations, etc.
3. Rescue and relief operation during manmade disasters
4. Evacuation of casualties and providing first-aid

Establishment of NSC

The National Security Council (NSC) was established in 1998 by the A.B. Vajpayee Government. It is a high-powered multi-member body headed by the Prime Minister. Its members include the following:

- (i) Home Minister
- (ii) Defence Minister
- (iii) External Affairs Minister
- (iv) Finance Minister
- (v) Deputy Chairman of the Planning Commission
- (vi) National Security Advisor (NSA)

The NSC is the apex body which looks into the political, economic, energy and strategic security concerns of the nation. It provides functional support to the Central Cabinet in the formulation and implementation of the National Security Policy.

Organisation of NSC

In the discharge of its functions, the NSC is assisted by a three-tiered organisation consisting of the following structures:

1. Strategic Policy Group (SPG) The SPG is the first level of the three-tier organisation of the NSC. It plays an important role in the decision-making process of the NSC. It is responsible for the inter-ministerial coordination in respect of security matters. It undertakes the strategic security and defence review, prepares a blue-print of short-term and long-term security threats and advises on possible policy options on a priority basis.

The SPG is a bureaucratic body headed by the Cabinet Secretary and comprises the following members:

- (i) Secretaries of important ministries like Home, Defence, External Affairs, Finance, etc.
- (ii) Governor of the Reserve Bank of India (RBI)
- (iii) Scientific Advisor to the Defence Minister
- (iv) Chiefs of Army, Navy and Air Force
- (v) Chairman of the Joint Intelligence Committee (JIC)
- (vi) Director of Intelligence Bureau (IB)
- (vii) Head of the Research and Analysis Wing (RAW)

2. Joint Intelligence Committee (JIC) The JIC analyses the intelligence data obtained from the Intelligence Bureau (IB), the Research and Analysis Wing (RAW), the Directorates of Military, Naval and Air Intelligence and the Defence Intelligence Agency (DIA) and submits its assessment report to the NSC. Headed by a chairman, the JIC comprises a number of intelligence experts. The secretariat of the JIC operates under the Cabinet Secretariat.

3. National Security Advisory Board (NSAB) The NSAB comprises eminent persons and experts

from various fields like internal security, external security, foreign affairs, strategic analysis, defence, economics and science and technology. It is headed by a chairman appointed by the Prime Minister. Its membership varies between 20 to 30 members. It provides a long-term prognosis and analysis to the NSC and recommends solutions to facilitate decision-making on security issues by the NSC. Besides, it addresses the policy issues referred to it by the NSC.

Role of NSA

The following points highlight the role/functions of the National Security Advisor (NSA):

1. He is a member of the NSC and is selected by the Prime Minister. He is usually an eminent person enjoying the trust and confidence of the Prime Minister.
2. He is the principal advisor to the Prime Minister, the Central Cabinet and the NSC on internal and external security issues.
3. He regularly advises the Prime Minister on internal and external threats and oversees strategic issues.
4. He functions as the channel for the effective functioning of the NSC.
5. He receives intelligence reports from IB, RAW and other agencies and co-ordinates them to submit before the Prime Minister and the NSC.
6. He serves as the Prime Minister's special interlocutor on border issues with Pakistan and China and also in case of crisis in Kashmir and north-eastern states.
7. He usually accompanies the Prime Minister on his visits to foreign countries and international conferences.
8. He is the Chairman of the National Intelligence Board. This Board was constituted in the year 2006 for the better coordination and effective management of intelligence operations.
9. He exercises direct control over the National Technical Research Organisation (NTRO). The NTRO was created in the year 2002.

Table 9.4 National Security Advisors Appointed So Far

<i>Sl. No.</i>	<i>Name (Service)</i>	<i>Term</i>	<i>Prime Minister</i>
1.	Brajesh Mishra (IFS)	1998-2004	Atal Bihari Vajpayee
2.	J.N. Dixit (IFS)	2004-2005	Manmohan Singh
3.	M.K. Narayanan (IPS)	2005-2010	Manmohan Singh
4.	Shivshankar Menon (IFS)	2010-2014	Manmohan Singh
5.	Ajit Kumar Doval (IPS)	2014-till date	Narendra Modi

LEGISLATIVE CONTROL

In any representative democratic government, whether Parliamentary or Presidential, the legislature is the supreme organ of the government as it consists of the representatives of the people. It reflects the will of the people and acts as a custodian of the interests of the people. Hence, it exercises control over administration to hold it accountable and responsible. However, the system of legislative control over administration in a parliamentary form of government (India and UK) differs from such a control in a presidential form of government (USA).

Legislative Control Under Parliamentary System

The parliamentary system of government prevalent in India is based on the principle of collective responsibility. It means that the ministers are responsible to the Parliament for their policies and actions. Thus, the legislative control over administration under such a system is only indirect, that is, through ministers. The officials (administrators) cannot be held responsible to the Parliament directly. They take shelter behind the principle of ministerial responsibility and remain anonymous. In other words, it is the minister who assumes responsibility for the actions of the administrators working under his ministry/department.

The Parliament exercises control over administration through the executive in the following ways.

- (i) General control over the policies and actions of the government through questions, discussions, motions and resolutions.
- (ii) Financial control through budget and audit.
- (iii) Detailed control over financial, administrative and legislative matters through committees.

The various techniques/methods/tools of parliamentary control are as follows.

Law Making It is the primary function of the Parliament. The Parliament lays down the policies of the government by making (enacting) or changing (amending) or cancelling (repealing) the laws. Parliamentary laws determine and condition the organisation, structure, powers, functions and procedures of the administration. However, the control exercised by the Parliament through the law-making process is in broad and general terms. The Parliament makes laws in a skeleton form and authorises the executive to make detailed rules and regulations within the framework of the parent law. This is known as delegated legislation or executive legislation or subordinate legislation. Such rules and regulations are placed before the Parliament for its examination.

Question Hour (Interpellations) The first hour of every parliamentary sitting is slotted for this. During this time, the MPs ask questions and the ministers usually give answers. The questions are of three kinds, viz. starred, unstarred and short notice.

A starred question is one which is distinguished by an asterisk. It requires an oral answer and hence supplementary questions can follow.

An unstarred question, on the other hand, is one which is not distinguished by an asterisk. It requires a written answer and hence, supplementary questions cannot follow.

A short notice question is one which is asked by giving a notice of less than ten days. It is answered orally.

Questions (or interpellations) are effective tools of legislative control over administration and keeps the civil service alert and on its toes. Earl Attlee, the former Prime Minister of Britain, said, "I always consider that question time in the House as one of the finest examples of real democracy. The effect of questions to the Minister and still more questions asked publicly in the House, is to keep the whole of the civil service on their toes." Similarly Hugh Gaitskell observed, "Anybody who has worked in a civil service department would agree with me that, if there is one major thing which leads civil servants to be excessively cautious, timid and careful and to keep records, which outside the civil service would be regarded as unnecessary, it is the fear of parliamentary questions."

Zero Hour Unlike the Question Hour, the Zero Hour is not mentioned in the rules of procedure. Thus it is an informal device available to the members of the Parliament to raise matters without any prior notice. The Zero Hour starts immediately after the Question Hour and lasts until the agenda for the day (i.e. regular business of the House) is taken up. In other words, the time gap between the Question Hour and the agenda is known as Zero Hour. It is an Indian innovation in the field of parliamentary procedures and has been in existence since 1962.

Half-an-Hour Discussion It is meant for raising a discussion on a matter of sufficient public importance which has been subjected to a lot of debate and the answer to which needs elucidation on a matter of fact. The Speaker can allot three days in a week for such discussions. There is no formal motion or voting before the House.

Short Duration Discussion It is also known as two hour discussion as the time allotted for such a discussion should not exceed two hours. The members of the Parliament can raise such discussions on a matter of urgent public importance. The Speaker can allot two days in a week for such discussions. There is neither a formal motion before the house nor voting. This device has been in existence since 1953.

Other Discussions In addition to the above discussions, there are various other occasions available to the members of Parliament to raise discussions and debates to examine and criticise the administration for its lapses and failures. These include the following:

- Inaugural speech of the President (that is, Motion of Thanks)
- Introduction of several Bills for enactment of laws (i.e. debates on legislation)
- Introduction and passing of resolutions on matters of general public interest

Calling Attention It is a notice introduced in the Parliament by a member to call the attention of a minister to a matter of urgent public importance, and to seek an authoritative statement from him on that matter. Like the Zero Hour, it is also an Indian innovation in the parliamentary procedure and has been in existence since 1954. However, unlike the Zero Hour, it is mentioned in the rules of

procedure.

Adjournment Motion It is introduced in the Parliament to draw attention of the House to a matter of urgent public importance. This motion needs the support of 50 members to be admitted. As it interrupts the normal business of the House, it is regarded as an extraordinary device. It involves an element of censure against the government and hence Rajya Sabha is not permitted to make use of this device.

No Confidence Motion Article 75 of the Constitution states that the Council of Ministers shall be collectively responsible to the Lok Sabha. It means that the ministry stays in office so long as it enjoys confidence of the majority of the members of the Lok Sabha. In other words, the Lok Sabha can remove the ministry from office by passing the No Confidence Motion. The motion needs the support of 50 members to be admitted.

Censure Motion A Censure Motion is different from a No Confidence Motion in the following respects:

Table 10.1 Censure Motion vs No Confidence Motion

<i>Censure Motion</i>	<i>No Confidence Motion</i>
1. It should state the reasons for its adoption in the Lok Sabha	1. It need not state the reasons for its adoption in the Lok Sabha.
2. It can be moved against an individual minister or a group of ministers or the entire council of ministers.	2. It can be moved against the entire Council of Ministers only
3. It is moved for censuring the council of ministers for specific policies and actions.	3. It is moved for ascertaining the confidence of Lok Sabha in the Council of Ministers.
4. If it is passed in the Lok Sabha, the Council of Ministers need not resign from the office.	4. If it is passed in the Lok Sabha, the Council of Ministers must resign from office.

Budgetary System This is the most important technique of parliamentary control over administration. The Parliament controls the revenues and expenditures of the government through enactment of the budget. It is the ultimate authority to sanction the raising and spending of government funds. It can criticise the policies and actions of the government and point out the lapses and failures of administration during the process of enactment of the budget.

Unless the Appropriation Bill and the Finance Bill are passed, the executive cannot incur expenditure and collect taxes respectively. (For details see chapter on “Financial Administration”).

Audit System This is an important tool of parliamentary control over administration. The Comptroller and Auditor General of India [CAG], on behalf of the Parliament, audits the accounts of government and submits an annual ‘Audit Report’ about the financial transactions of the government. The report of CAG highlights the improper, illegal, unwise, uneconomical and irregular expenditures of the government. The CAG is an agent of the Parliament and is responsible only to it (i.e. Parliament). Thus the financial accountability of the government to the Parliament is secured through the Audit Report of the CAG.

Public Accounts Committee This committee was set up first in India in 1921 under the provisions of the Government of India Act of 1919 and has since been in existence. At present, it consists of 22 members (15 from the Lok Sabha and 7 from the Rajya Sabha). The members are elected by the Parliament every year from amongst its members according to the principle of proportional representation by means of the single transferable vote. Thus, all parties get due representation in it. The term of office of the members is one year. A minister cannot be elected as a member of the Committee. The Chairman of the Committee is appointed by the Speaker from amongst its members. Until 1966–67, the Chairman of the Committee belonged to the ruling party. However, since then (i.e. 1967) a convention has developed whereby the Chairman of the Committee is selected invariably from the Opposition.

The function of the Committee is to examine the annual audit reports of the Comptroller and Auditor-General of India (CAG) which are laid before the Parliament by the President. In this function, the Committee is assisted by the CAG.

The CAG submits three audit reports to the president, namely, audit report on appropriation accounts, audit report on finance accounts and audit report on public undertakings.

The committee examines public expenditure not only from the legal and formal point of view to discover technical irregularities but also from the point of view of economy, prudence, wisdom and propriety to bring out the cases of waste, loss, corruption, extravagance, inefficiency and nugatory expenses.

Estimates Committee The origins of this committee can be traced to the Standing Financial Committee setup in 1921. The first Estimates Committee in the post-independence era was constituted in 1950 on the recommendation of John Mathai, the then Finance Minister. Originally, it had 25 members but in 1956 its membership was raised to 30. All the thirty members are from Lok Sabha only. The Rajya Sabha has no representation in this Committee. These members are elected by the Lok Sabha every year from amongst its members, according to the principles of proportional representation by means of a single transferable vote. Thus, all parties get due representation in it. The term of office is one year. A minister cannot be elected as a member of the Committee. The Chairman of the Committee is appointed by the Speaker from amongst its members. The Chairman of the Committee is invariably from the ruling party.

The function of the Committee is to examine the estimates included in the budget and suggest 'economies' in public expenditure. Hence, it has been described as a 'continuous economy committee.'

Committee on Public Undertakings This Committee was created in 1964 on the recommendation of the Krishna Menon Committee. Originally, it had 15 members (10 from the Lok Sabha and 5 from the Rajya Sabha). But in 1974, its membership was raised to 22 (15 from the Lok Sabha and 7 from the Rajya Sabha). The members are elected by the Parliament every year from amongst its members according to the principle of proportional representation by means of a single transferable vote. Thus, all parties get due representation in it. The term of office of the members is one year. A minister cannot be elected as a member of the Committee. The Chairman of the Committee is appointed by the Speaker from amongst its members who are drawn from the Lok Sabha only. Thus, the members of the Committee who are from the Rajya Sabha cannot be appointed as the Chairman.

The functions of the Committee are:

- (a) To examine the reports and accounts of public undertakings.
- (b) To examine the reports, if any, of the Comptroller and Auditor-General on public

undertakings.

- (c) To examine, in the context of autonomy and efficiency of public undertakings, whether the affairs of the public undertakings are being managed in accordance with sound business principles and prudent commercial practices.
- (d) To exercise such other functions vested in the Committee on Public Accounts and the Committee on estimates in relation to public undertakings as may be allotted to the Committee by the Speaker from time to time.

Committee on Subordinate Legislation This Committee was constituted in 1953. It consists of 15 members including the Chairman, who are nominated by the Speaker. The term of office of the members is one year. A minister cannot be nominated as a member of the Committee. The Chairman of the Committee is drawn from the Opposition.

The function of the Committee is to examine and report to the Lok Sabha, whether the powers to make regulations, rules, sub-rules, bye-laws and others, conferred by the Constitution or delegated by the Parliament to the executive, are being properly exercised by it.

Committee on Government Assurances This Committee was constituted in 1953. It consists of 15 members including the Chairman, who are nominated by the Speaker. The term of office of members is one year. A minister cannot be nominated as a member of the Committee.

The function of the Committee is to examine the assurances, promises, undertakings, and so on, given by ministers from time to time on the floor of the Lok Sabha, and to report on:

- (a) The extent to which such assurances, promises, undertakings have been implemented.
- (b) Whether such implementation has taken place within the minimum time necessary for the purpose.

Departmental Standing Committees On the recommendation of the Rules Committee of the Lok Sabha, 17 departmentally related standing committees were set up in the Parliament in 1993. In 2004, seven more such committees were setup, thus increasing their number from 17 to 24.

The main objective of the standing committees is to secure more accountability of the Executive (i.e., the Council of Ministers) to the Parliament, particularly financial accountability. They also assist the Parliament in debating the budget more effectively.

The 24 standing committees cover under their jurisdiction all the ministries/departments of the Central Government.

Each standing committee consists of 31 members (21 from Lok Sabha and 10 from Rajya Sabha). The members of the Lok Sabha are nominated by the Speaker from amongst its members, while the members of the Rajya Sabha are nominated by the Chairman from amongst its members.

A minister is not eligible to be nominated as a member of any of the standing committee. In case a member, after his nomination to any of the standing committee, is appointed as a minister, he then ceases to be a member of the committee.

The term of office of each standing committee is one year from the date of its constitution.

Out of the 24 standing committees, 8 committees work under the Rajya Sabha and 16 committees work under the Lok Sabha.

The functions of each of the standing committees are:

- (a) To consider the demands for grants of the concerned ministries/departments and make a report on the same to the Houses. The report shall not suggest anything of the nature of cut motions.
- (b) To examine bills pertaining to the concerned ministries/departments and make report thereon.

- (c) To consider annual reports of ministries/departments and make reports thereon.
- (d) To consider national basic long term policy documents presented to the Houses, and make reports thereon.

Legislative Control Under Presidential System

The system of legislative control over administration in the presidential form of government (in the USA) is different from the control system in the parliamentary form of government (in India and Britain). Therefore, most of the techniques of legislative control described above are not practiced in the USA. The reason for such a difference lies in the 'theory of separation of power' which is the basis of presidential government prevalent in the USA. Accordingly, the executive and the legislative organs of the government are separated from each other, and hence, remain independent of each other. The executive (which consists of the President and his secretaries) neither sits in the legislature (which is called *Congress* in the USA) nor is responsible to it for its policies and actions. The President of the USA enjoys a fixed tenure of four years and cannot be removed before the completion of his tenure in normal circumstances. The President need not have a majority support in the Congress (which consists of the House of Representatives and the Senate) for his continuity and survival in office. In fact, the President and his secretaries are not the members of the Congress and do not participate in its proceedings. Hence Congressional control over the executive through questions or adjournment motion or no confidence motion or censure motion is not possible. Under such circumstances, the Congress in the USA exercises control over administration through the following tools:

- (i) The Congress creates executive departments, commissions, boards and other administrative agencies. It also determines their structure, organisation, powers and functions. In fact, the Independent Regulatory Commissions report directly to the Congress as they are placed outside the President's control.
- (ii) The Congress appoints committees to investigate into and criticise the working of administrative departments and agencies. This power of the Congress is known as the power of 'legislative investigation'.
- (iii) The Congress enacts laws or amends and repeals the existing laws to lay down public policies, methods and procedures.
- (iv) The Congress approves the Federal Budget prepared by the Office of Budget and Management under the President's direction. The budget presented to the Congress by the President is thoroughly examined and revised by its committees and sub-committees. It also examines the accounts and audit reports.
- (v) The Senate (upper house of the Congress) enjoys the power of confirming the treaties executed by the President.
- (vi) The Senate also enjoys the power of confirming higher appointments made by the President.
- (vii) The Congress has the power to impeach the President before the completion of his four years tenure on grounds of treason or corruption.
- (viii) The Congress requires the administrative agencies to report their past actions or future plans to its committees or to it as a whole. F.A. Nigro calls it the "doctrine of codirectorship", which means direct participation of the Congress in administrative decision-making.
- (ix) The executive departments are required to submit the annual as well as special reports to the Congress. These reports relate to their performance and problems.

- (x) The members of the Congress are provided with an office and staff to maintain regular contacts with the administrative officials to seek remedial action on complaints received from the citizens of their respective constituencies. This is known as the institution of ‘case work’.
- (ix) The Congress directly supervises the operations of certain administrative departments and agencies. This is known as the doctrine of ‘legislative oversight’.

Thus, the Congressional control over administration in the USA is limited and restricted in nature and scope.

Limitations and Ineffectiveness

The legislative control over administration in parliamentary countries like India is more theoretical than practical. In reality, the control is not as effective as it ought to be. The following factors are responsible for the ineffectiveness of parliamentary control in India.

- (i) The Parliament has neither time nor expertise to control the administration which has grown in volume as well as complexity.
- (ii) Parliament’s financial control is hindered by the technical nature of the demands for grants. The parliamentarians being laymen cannot understand them properly and fully.
- (iii) The legislative leadership lies with the executive and it plays a significant role in formulating policies.
- (iv) The very size of the Parliament is too large and unmanageable to be effective.
- (v) The majority support enjoyed by the executive in the Parliament reduces the possibility of effective criticism.
- (vi) The financial committees like Public Accounts Committee examines the public expenditure after it has been incurred by the executive. Thus, they do post mortem work.
- (vii) The increased recourse to ‘Guillotine’ reduced the scope of financial control.
- (viii) The growth of ‘delegated legislation’ reduced the role of Parliament in making detailed laws and increased the powers of bureaucracy.
- (ix) The frequent promulgation of ‘Ordinances’ by the President dilutes the Parliament’s power of legislation.
- (x) The Parliament’s control is sporadic, general and mostly political in nature.
- (ix) Lack of a strong and steady opposition in the Parliament, and a setback in the parliamentary behaviour and ethics, have also contributed to the ineffectiveness of legislative control over administration in India.

Appleby’s Criticism

Paul H. Appleby (an American scholar of public administration), in his report entitled “Re-examination of India’s Administrative System” (1956), was very critical of parliamentary control over administration in India. He said that there is excessive parliamentary interference in public administration of India. He came to the conclusion that one of the important negative influences on achievement was Parliament. His list of criticisms were as follows:

- (i) The members of Parliament greatly exaggerate the importance of the function of the Comptroller and Auditor-General and pay far too much attention to his reports. So doing, the Parliament increases the timidity of public servants at all levels, making them unwilling to

take responsibility for decisions, forcing decisions to be made by a slow and cumbersome process of reference and conference in which everybody finally shares dimly in the making of every decision, not enough gets done and what gets done is done too slowly.

- (ii) There is, among members of the Parliament, too much general and vague fear that its responsibilities are not being preserved. Such fear cannot be supported by a bill of particulars really related to the high level of parliamentary responsibility. Government proposals to the Parliament are amended in India much more often than in the United Kingdom, and the proposals are drawn originally with much more regard for the sentiments of even a small segments of the Parliament.
- (iii) The Parliament often exhibits a prejudice for reliance on the judgement of businessmen.
- (iv) The Parliament seems strangely inclined to make too ready concessions to some of the self-interest demands of small but influential business interests, and to enforce corresponding changes in government's decisions.
- (v) By Parliament's endorsement of the formerly small and narrow approach of the Public Service Commission to its own functions in the mistaken belief that this strengthens the merit system, it undermines the responsibility of the ministries and thereby, undermines the responsibility of the Parliament.
- (vi) Parliament is a chief citadel of opposition to delegation of powers, the need for which is the worst shortcoming of Indian administration. Parliament's reluctance to delegate its power in detail, as it is essential to do if parliamentary powers are to be important and positive, discourages ministers from delegating their powers, discourages secretaries from delegating their powers, and managing directors from delegating their powers.

EXECUTIVE CONTROL

Executive control over administration means the control exercised by the chief executive (political executive) over the functioning of bureaucracy. Such control in the USA is exercised by the President and his secretaries, and in India and Britain by the Cabinet and ministers (individually).

In parliamentary government the Cabinet is collectively responsible to the Parliament for its policies and actions. Each minister is also individually responsible for the acts of omission and commission in his Ministry/department. In other words, ministerial responsibility is the basic feature of the Parliamentary government. For this very reason the political executive (Cabinet and ministers) exercise control over administration.

Unlike the legislative control which is general, periodical, informational and reportive, the executive control is fuller in content, constant, continuous, stimulative, corrective and directive.

The executive exercises control over administration through following means or techniques.

Political Direction (Policy-making) In India, the Cabinet formulates administrative policies and enjoys the power of direction, supervision and coordination with regard to its implementation. The minister, who is incharge of one or more departments, lays down the departmental policy and directs, supervises and coordinates its implementation by the administrators. Thus, through political direction, the Minister controls the operations of administrative agencies working under his ministry/department(s). The departmental officials are directly and totally responsible to the minister. In the USA, the same function is performed by the President and his secretaries.

Budgetary System The executive controls the administration through budgetary system. It formulates the budget, gets it enacted by the Parliament, and allocates the necessary funds to the administrative agencies to meet their expenditure. In all such activities, the Ministry of Finance (which is the central financial agency of the Government of India) plays an important role. It exercises financial control over administration in the following ways.

- (i) Approval of policies and programmes in principle.
- (ii) Acceptance of provision in the budget estimates.
- (iii) Sanctioning expenditure subject to the powers which are delegated.
- (iv) Providing financial advice through the Integrated Financial Advisor.
- (v) Reappropriation of grants (i.e. transfer of funds from one sub-head to another).
- (vi) Internal audit system.
- (vii) Prescribing a financial code to be followed by the spending authorities.

Appointment and Removal (Personnel Management and Control) This is the most effective means of executive control over administration. The executive plays an important role in personnel management and control and enjoys the power of appointment and removal of top administrators. In this function, the executive (in India) is assisted by the Department of Personnel and Training, the Ministry of Finance, and the UPSC. The Department of Personnel and Training is the central personnel agency in India and plays a major role in personnel management and control. At the highest level, the ministers play an important role in the selection and appointment of secretaries and heads of departments. Thus they (i.e. ministers) exercise full control over the administration of departments under their charge through such appointees.

In the USA also, though the President has to seek the approval of Senate for effecting appointments to top posts, he has the exclusive power of removing them from office. The Office of Personnel Management (OPM) in the US plays an important role in personnel management and control.

Delegated Legislation Also known as the executive legislation, it is an important tool in the hands of the executive to exercise control over administration. The Parliament makes laws in skeleton forms and authorises the executive to fill in minor details. Therefore, the executive makes rules, regulations and bye-laws which have to be observed by the administrators in execution of the law concerned.

Ordinances The Constitution of India authorises the chief executive, that is, the President to promulgate ordinances during the recess (interval) of Parliament to meet situation demanding immediate action. An ordinance is as authoritative and powerful as an act of Parliament and hence, governs the functioning of administration.

Civil Service Code The executive has prescribed a civil service code to be observed and followed by the administrators in the exercise of their official powers. It consists of a set of conduct rules which prevent the administrators from misutilising their powers for their personal ends. The important among such rules in India are as follows.

- (a) All-India Services (Conduct) Rules, 1954
- (b) Central Civil Services (Conduct) Rules, 1955
- (c) Railway Services (Conduct) Rules, 1956.

They deal with various things like loyalty to the state, obeying the official orders of the superiors, political activities of civil servants, financial transactions of civil servants, marital restrictions, and others.

Staff Agencies The executive also exercises control over administration through staff agencies. The important staff agencies in India are the Department of Administrative Reforms, the Planning Commission, the Cabinet Secretariat and the Prime Minister's Office. Mooney said that a staff agency is "an expansion of the personality of the executive. It means more eyes, more ears and more hands to aid him in forming and carrying out his plans." Thus, the staff agencies exercise influence and indirect control over the administrative agencies and play an important role in coordinating their policies and programmes.

Appeal to Public Opinion The administrative system, (i.e. civil service or bureaucracy) whether in the USA or the UK or India, is status quo oriented and hence resists change. It does not receive new policies, plans, programmes and projects formulated by the executive with positive mindedness. In fact, the various organs of the administrative machinery, in the words of Pfiffner and Presthus, "seek to strengthen their position *vis a vis* other agencies, and the executive, by alliances with legislature and pressure groups, as well as by calculated support building campaigns directed at the general public. They develop vested interests not only in programme areas, but equally in established ways of doing things, which enhance the self-consciousness and strategic position of the bureaucracy." Due to this, the bureaucracy resists new programmes and methods as they threaten its (bureaucracy's) strong position. Under such circumstances, the executive appeals to the public opinion.

JUDICIAL CONTROL

The control exercised by the Courts over the administrative acts is called judicial control. In other words, it means the power of the courts to keep the administrative acts within the limits of law. It also implies the right of an aggrieved citizen to challenge the wrongful acts of administrators in a court of law. The primary objective of judicial control over administration is the protection of the rights and liberties of citizens by ensuring the legality of administrative act. In the words of L.D. White, "The purpose of legislative supervision is principally to control the policy and the expenditure of the executive branch, the end sought by judicial control of administrative acts is to ensure their legality and thus, protect citizens against unlawful trespass on their constitutional or other rights."

As rightly observed by M.P. Sharma (the first Professor of public administration in India), "looked at from the point of view of the citizens whose liberties and rights they (i.e. courts) are intended to protect, the controls exercised by the courts are called 'judicial remedies.' As a matter of fact, official liability before the courts and judicial remedies for the citizens against official excesses or abuse of power are the two faces of the same coin."

Basis

The judicial control over administration emanates from the concept of 'rule of law' which is a cardinal feature of the British Constitution as well as the Indian Constitution. A.V. Dicey, the British constitutional lawyer, in his famous book *Introduction to the Study of the Law of the Constitution* gave a classic exposition of this concept which is as follows.

"No man is punishable or can be lawfully made to suffer in body or goods except for a distinct breach of law established in the ordinary legal manner before the ordinary courts of the land... no man

is above the law, but... every man, whatever be his rank or condition, is subject to the ordinary law of the realm and amenable to the jurisdiction of the ordinary tribunals... every official from the Prime Minister down to a constable or a collector of taxes, is under the same responsibility for every act done without legal justification as any other citizen... the general principles of Constitution... are with us the result of judicial decision determining the rights of private persons in particular cases brought before the courts.”

In short, the three elements of ‘rule of law’ are as follows:

- (i) Absence of arbitrary power, that is, no man can be punished except for a breach of law.
- (ii) Equality before the law, that is, equal subjection of all citizens (rich or poor, high or low, official or non-official) to the ordinary law of the land administered by the ordinary law courts.
- (iii) The primacy of the rights of the individual, that is, the Constitution, is the result of the rights of the individual as defined and enforced by the courts of law rather than the Constitution being the source of the individual rights. Thus, the rights of the citizens of Great Britain flow from the judicial decisions, not from the Constitution.

Scope (Grounds)

The judiciary can intervene in the administrative acts under the following circumstances.

- (i) Lack of jurisdiction, that is, when the administrator acts without authority or beyond the scope of his authority or outside the geographical limits of his authority. It is technically called ‘overfeasance’ (excess of authority).
- (ii) Error of law, that is, when the administrator misinterprets the law and thus imposes upon the citizen, obligations which are not required by the content of law. It is technically called ‘misfeasance’.
- (iii) Error in fact finding, that is, when the administrator makes a mistake in the discovery of facts and acts on wrong presumptions.
- (iv) Abuse of authority, that is, when the administrator uses his authority (or power or discretion) vindictively to harm some person. It is technically called ‘malfeasance.’
- (v) Error of procedure, that is, when the administrator does not follow the laid down procedure.

The citizens who are affected by the above cases can seek the intervention of judiciary in the administrative acts.

Methods

The judiciary exercises control over administration through the following methods or techniques.

Judicial Review It is the power of the courts to examine the legality and constitutionality of administrative acts. On examination, if they are found to be violative of the Constitution (*ultra vires*), they can be declared as illegal, unconstitutional and invalid by the courts. The scope of judicial review in the USA is much wider than in Britain. India falls in between the two due to the constitutional and statutory limitations (on the scope of judicial review).

Statutory Appeal The parliamentary statute (i.e. law or act) may itself provide that in a specific type of administrative act, the aggrieved citizen will have the right of appeal to the courts. Under such

circumstances, the statutory appeal is possible.

Suits Against Government In India, Article 300 of the Constitution governs the suability of the state. It states that the Union Government and state government can be sued, subject to the provisions of the law made by the Parliament and the state legislature respectively. The state is suable in contracts. This means that the contractual liability of the Union Government and the state governments is same as that of an individual under the ordinary law of contract. However, in case of torts, the position is different (a tort is a wrongful action or injury for which a suit for damages lies). In this regard, a distinction is made between the sovereign and non-sovereign functions of the state. The state, for the tortious acts of its servants, can be sued only in case of its non-sovereign functions but not in case of its sovereign functions.

In Britain, there has been traditional immunity of the state (i.e. Crown) from any legal liability for any action. Suits against government in contract or tort were severely restricted. Such restrictions were relaxed and the situation was improved by the Crown Proceedings Act of 1947. The present position in Britain is that the State can be sued for the wrongful acts of its officials whether in contracts or torts, with some exceptions.

In the USA, subject to a few exceptions, the state cannot be sued in cases pertaining to torts. In other words, the State (either federal government or state government) is immune from the tortious liability of its servants, except in few cases.

In France, where the system of 'Droit Administratif' prevails, the state assumes responsibility for the official actions of its servants and compensate the citizens for any loss suffered by them. The aggrieved citizens can directly sue the state in the 'administrative courts' and get the damages awarded.

Suits Against Public Officials In India, the President and the state governors enjoy personal immunity from legal liability for their official acts. During their term of office, they are immune from any criminal proceedings, even in respect of their personal acts. They cannot be arrested or imprisoned. However, after giving two months' notice, civil proceedings can be instituted against them during their term of office in respect of their personal acts. The ministers do not enjoy such immunities and hence they can be sued in ordinary courts like common citizens for crimes as well as torts.

Under the Judicial Officer's Protection Act of 1850, the judicial officers are immune from any liability in respect of their acts and hence cannot be sued.

The civil servants are conferred personal immunity from legal liability for official contracts by the Article 299 of the Constitution of India. In other cases, the liability of the officials is the same as of any ordinary citizen. Civil proceedings can be instituted against them for anything done in their official capacity after giving a two months' notice. As regards criminal liabilities, proceedings can be instituted against them for acts done in their official capacity with prior permission from the government.

The Monarch in Britain and the President in the USA enjoy immunity from legal liability. The legally accepted phrase in Britain is, 'The King can do no wrong.' Hence he cannot be sued in any court of law.

Extraordinary Remedies These consist of the following six kinds of writs issued by the courts.

- (i) **Habeas Corpus** It literally means "to have the body of." It is an order issued by the court to a person who has detained another person, to produce the body of the latter before it. The court

will set the imprisoned person free if the detention is illegal. This writ is a bulwark of individual liberty against arbitrary detention.

- (ii) **Mandamus** It literally means ‘we command’. It is a command issued by the court to a public official asking him to perform his official duties which he has failed to perform.
- (iii) **Prohibition** It literally means ‘to forbid.’ It is issued by a higher court to a lower court when the latter exceeds its jurisdiction. It can be issued only against judicial and quasi-judicial authorities and not against administrative authorities. Hence, its importance as a tool of judicial control over administration is highly restricted.
- (iv) **Certiorari** It literally means ‘to be certified.’ It is issued by a higher court to a lower court for transferring the records of proceedings of a case pending with it, for the purpose of determining the legality of its proceedings or for giving fuller and a more satisfactory effect to them than could be done in the lower court. Thus, unlike the prohibition which is only preventive, the Certiorari is both preventive as well as curative.
- (v) **Quo Warranto** It literally means ‘by what authority or warrant.’ It is issued by the courts to enquire into the legality of claim of a person to a public office. Therefore, it prevents illegal assumption of public office by a person.
- (vi) **Injunction** It is issued by the court asking a person to do a thing or refrain from doing it. Thus, it is of two kinds *viz.* mandatory and preventive. The mandatory injunction resembles the writ of Mandamus but it is different. As put by M.P. Sharma, “Mandamus cannot be issued against private persons while the injunction is primarily a process of private law and only rarely a remedy in administrative law. Mandamus is a remedy of common law while injunction is the strong arm of equity.”

Similarly, preventive injunction resembles the writ of prohibition but it is different. In the words of M.P. Sharma, “Injunction is directed to the litigant parties while prohibition to the court itself. Also, while injunction recognises the jurisdiction of the court in which the proceedings are pending, prohibition strikes at such jurisdiction.”

Writs in India

The following points can be noted in this context.

- (i) The courts can issue all the above mentioned writs. However, only the first five are mentioned in the Constitution of India.
- (ii) Article 32 of the Constitution authorises the Supreme Court to issue writs for the enforcement of the Fundamental Rights of citizens guaranteed to them by the Constitution.
- (iii) Article 226 of the Constitution authorises High Courts to issue the writs not only for the enforcement of the Fundamental Rights of citizens guaranteed by the Constitution but also for other purposes. This means that the writ jurisdiction of High Courts is wider than that of the Supreme Court.
- (iv) Parliament (under Article 32) can empower any other court to issue these writs. Since no such provision has been made so far, only the Supreme Court and the High Courts can issue the writs and not any other court.

Limitations

The following factors limit the effectiveness of judicial control over administration.

- (i) The judiciary cannot intervene in administrative process on its own. The courts intervene only when the aggrieved citizen takes the matter before them. Therefore, the judiciary lacks the *suo moto* power.
- (ii) The control exercised by the courts is in the nature of a post mortem control, that is, they intervene after the damage is done to the citizen by the administrative acts.
- (iii) All administrative acts are not subject to judicial control as the Parliament may exclude certain matters from the jurisdiction of the courts.
- (iv) Self-denying ordinance, that is, the judiciary denies to itself jurisdiction in certain matters. The courts refuse to intervene in certain purely administrative matters on its own accord.
- (v) The judicial process is very slow and cumbersome as well as very expensive.
- (vi) The judges being legal experts cannot fully and properly understand the highly technical nature of administrative acts.
- (vii) The volume, variety and complexity of administration has increased due to welfare orientation of the state. Hence, the courts cannot review each and every administrative act affecting the citizen.

CITIZENS' CONTROL

A democratic government is based on the 'doctrine of popular sovereignty' which means that the people are supreme in a democracy, or the final authority in democracy is vested in the people. Therefore, administration in democracy is or should finally and ultimately be responsible to the people.

The people exercise control over administration through the following methods or means:

1. Election The representative democracy is classified in two kinds, namely, the Presidential Government and the Parliamentary Government. In the Presidential Government prevalent in the USA, the President is directly elected by the people. He is the Chief Executive enjoying all powers of the executive organ of the government. He is not responsible to the Legislature (i.e., Congress) but to the people ultimately. Thus, the popular control over Chief Executive in a presidential government like USA is direct.

In the Parliamentary Government prevalent in Britain and India, the real executive (i.e., Cabinet) is drawn from the legislature and remains responsible to it for its policies and actions. The legislature in turn is responsible to the people. Thus the popular control over the executive in a parliamentary government like Britain and India is indirect as it is exercised through the elected Parliament.

In a democracy whether presidential or parliamentary, when the government becomes unresponsive, corrupt, irresponsible and inefficient, it can be removed from office by means of periodic elections. The elections are the medium of expression of people's confidence in the popular government.

2. Recall It is a direct democratic device. It is used in Switzerland and thirteen states of USA where the administrative officials are directly elected by the people. The system of recall enables the people to remove the elected official from office before the expiry of his tenure, when he fails to represent their will. In other words, the official has to vacate office before the completion of his tenure, if he is

defeated in a recall poll. The device of recall can be used when the people are not satisfied with the performance of the elected official while in office and it does not require any charges of illegal actions. The chief merit of recall is that it enables the people to hold their public officials continuously responsible for their professional role and duties.

3. Pressure Groups The term 'Pressure Group' originated in USA. It is a group of people who are organised actively for the purpose of promoting their common interest. Some examples of such groups are voluntary agencies, trade unions, employment associations, professional associations, student unions and so forth. These groups are also called as interest groups or vested groups. They exert pressure on the administration to promote their objectives. They influence the policy-making and policy-implementation in government through legal and legitimate methods like publicity, propagandising, petitioning, public debating, maintaining contacts with their legislators and so forth. They act as a liaison between the administration and their members. However, some times they resort to illegitimate and illegal methods like strikes, violent activities and corruption which damages public interest and administrative integrity.

4. Advisory Committees These are also called as Advisory Councils or Boards. They are attached to the administrative system at all levels from top to bottom. They consist of expert citizens and representatives of the special interests. They act as a link between the administration and the public and provide advise to the government on administrative policies, problems and procedures. The recommendations made by these agencies are only advisory in nature and are not binding on the department to which they are attached. However, they act as an effective instrument of the department's public relations and make administration democratic in character.

5. Public Opinion Unlike the above formal modes, public opinion is an informal mode of citizens' control over administration. Public opinion is the opinion of people in relation to the government policies and actions. It is expressed through various agencies like press, public platform, political parties, radio, television, cinema, pressure groups, educational institutions and so on. Of these, independent press is the most effective agency of public opinion. It is described as the "fourth estate" of democracy.

The importance of public opinion as a mode of citizens' control over administration is highlighted by the following points:

- (i) It influences the policies and programmes of the government.
- (ii) It keeps the administration responsive and acts as a watch-dog on it.
- (iii) It acts as a source of laws and facilitates their successful implementation.
- (iv) It safeguards individual liberty by keeping a check on unpopular and undemocratic activities of the government.

NATIONAL COMMISSION FOR WOMEN

Establishment of the Commission

The Committee on Status of Women in India (set-up by the Government of India) in 1974 recommended the constitution of a National Commission for Women to fulfill the surveillance functions and to facilitate redressal of grievances and to accelerate the socio-economic development of women. Again, the successive women-related committees, commissions and plans including the National Perspective Plan for Women (1988) have also recommended the constitution of such an apex body for women. Accordingly, the National Commission for Women was constituted in 1992 for protecting, promoting and safeguarding the interests and rights of women.

The Commission is an autonomous statutory (and not a constitutional) body. It was established under a legislation enacted by the Parliament, namely, the National Commission for Women Act, 1990. The Ministry of Women and Child Development of the Government of India is the nodal ministry for the Commission.

The Commission has a wide mandate covering almost all aspects of women's development and empowerment. Its specific objectives are:

- (i) To review the constitutional and legal safeguards for women
- (ii) To recommend remedial legislative measures
- (iii) To facilitate redressal of grievances
- (iv) To advise the government on all policy matters affecting women

Composition of the Commission

The Commission is a multi-member body consisting of a chairperson, five members and a member-secretary. The chairperson should be someone who is committed to the cause of women. The five members should be from amongst persons of ability, integrity and standing who have had experience in law or legislation, trade unionism, management of an industry or organisation committed to increasing the employment potential of women, women's voluntary organisations (including women activists), administration, economic development, health, education or social welfare. However, at least one member each should belong to the Scheduled Castes and Scheduled Tribes respectively.

The member-secretary should be (i) an expert in the field of management, organisational structure or sociological movement, or (ii) an officer who is a member of a Civil Service of the Union or an all-India service or holds a civil post under the Union.

The chairperson, members and member-secretary are all nominated by the Central Government (Ministry of Women and Child Development). Their salaries, allowances and other service conditions are also prescribed by the Central Government.

Tenure of the Members

The chairperson and members hold office for a period of three years. However, they can relinquish their office at any time by addressing their resignation to the Central Government.

Further, the Central Government can also remove the chairperson or a member from the office (before the expiry of his term) under the following circumstances:

- (a) If he becomes an undischarged insolvent
- (b) If he gets convicted and sentenced to imprisonment for an offence which (in the opinion of the Central Government) involves moral turpitude
- (c) If he is declared of unsound mind by a competent court
- (d) If he refuses to act or becomes incapable of acting
- (e) If he absents himself from three consecutive meetings of the Commission, or
- (f) If he has so abused his official position which (in the opinion of the Central Government) renders his continuance in the office as detrimental to the public interest.

However, the chairperson or a member cannot be removed until he is given a reasonable opportunity of being heard in the matter.

Functions of the Commission

The Commission is provided with a fourteen-point mandate.

1. To investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws
2. To present to the Central Government annually and at such other times as it may deem fit, reports upon the working of those safeguards
3. To make recommendations for the effective implementation of those safeguards for improving the conditions of women by the Union or any state
4. To review the existing provisions of the Constitution and other laws affecting women and recommend amendments to meet any inadequacies in such laws
5. To take up the cases of violation of the provisions of the Constitution and other laws relating to women with the appropriate authorities
6. To look into complaints and take *suo moto* notice of matters relating to
 - (i) deprivation of women's rights
 - (ii) non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development and
 - (iii) non-compliance of policy decisions or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women.
7. To call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and to identify the constraints so as to recommend strategies for their removal
8. To undertake promotional and educational research so as to suggest ways of ensuring due

representation of women in all spheres and to identify factors responsible for impeding their advancement, such as, lack of access to housing and basic services, inadequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity

9. To participate and advice on the planning process of socio-economic development of women
10. To evaluate the progress of the development of women under the Union and any state
11. To inspect any jail, remand home, women's institution or other place of custody where women are kept as prisoners or otherwise, and take up with the concerned authorities for remedial action
12. To fund litigation involving issues affecting a large body of women
13. To make periodical reports to the government on any matter pertaining to women and in particular various difficulties under which women toil
14. To look into any other matter referred to it by the Central Government

Report of the Commission

The Commission presents an annual report to the Central Government. It can also submit a report as and when it thinks necessary.

The Central Government places all such reports before each House of Parliament, along with a memorandum explaining the action taken on the recommendations made by the Commission. The memorandum should also contain the reasons for the non-acceptance of any of such recommendations.

If any such report is related to any matter with which any state government is concerned, the Commission forwards a copy of such report to such state government. The state government places it before the state legislature, along with a memorandum explaining the action taken on the recommendations of the commission. The memorandum should also contain the reasons for the non-acceptance of any of such recommendations.

Powers of the Commission

The Commission can appoint the committees necessary for dealing with the special issues taken up by it from time to time. It is also empowered to co-opt as members of any such committee the persons from outside the Commission (i.e., those who are not members of the Commission). The co-opted persons can attend the meetings of the committee and take part in its proceedings but without the right to vote.

The Commission shall regulate its own procedure and also the procedure of its committees.

The Commission, while investigating any matter or inquiring into any complaint, has all the powers of a civil court trying a suit and in particular in respect of the following matters:

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath
- (b) requiring the discovery and production of any document
- (c) receiving evidence on affidavits
- (d) requisitioning any public record from any court or office
- (e) issuing summons for the examination of witnesses and documents and
- (f) any other matter which may be prescribed by the Central Government.

The Central Government should consult the Commission on all major policy matters affecting women.

Working of the Commission

The Commission processes the complaints received verbally or in writing. It also takes into account *suo moto* notice of cases related to women.

The complaints received relate to various categories of crimes against women such as domestic violence, harassment, dowry, torture, murder, kidnapping/abduction, complaints against NRI marriages, desertion, bigamy, rape, police harassment/brutality, cruelty by husband, deprivation of rights, gender discrimination, sexual harassment at workplace and so on.

The complaints are acted upon in the following manner:

1. Specific cases of police apathy are sent to the police authorities for investigation and cases are monitored.
2. Family disputes are resolved or compromises struck through counseling.
3. Disaggregated data are made available to various state authorities to facilitate action.
4. In sexual harassment complaints, the concerned organisations are urged to expedite cases and the disposal is monitored.
5. For serious crimes, the Commission constitutes an Inquiry Committee to provide immediate relief and justice to the victims of violence and atrocities.

Strategies of the Commission

In keeping with its mandate, the Commission evolved the following strategies to improve upon the status of women and women's development:

1. Economic empowerment through building up skills and securing access to gainful employment
2. Political empowerment through awareness, training and mobilisation for equitable representation in all fora
3. Prevention of violence and discrimination against women inside and outside the home through legal reform and sensitive enforcement
4. Amelioration of conditions of disadvantaged women, such as
 - (i) Physically challenged women including those who are visually disabled or mentally affected.
 - (ii) Socially challenged women including Muslim women, women from Scheduled Caste and Scheduled Tribes, widows and prostitutes.
5. Prevention of indecent representation of women in the media through legal and social sanctions.

Parivarik Mahila Lok Adalat

The Commission has evolved an innovative concept of Parivarik Mahila Lok Adalat (PMLA), which in turn supplements the efforts of the District Legal Service Authority (DLSA) for redressal and speedy disposal of the matters related to marriage and family affairs pending in various courts.

The Parivarik Mahila Lok Adalat functions on the model of the Lok Adalat. The Commission

provides financial assistance to NGOs or State Women Commissions or State Legal Service Authority to organise the Parivarik Mahila Lok Adalat.

The objectives of Parivarik Mahila Lok Adalat are as follows:

1. To provide speedy and cost free dispensation of justice to women.
2. To generate awareness among the public regarding conciliatory mode of dispute settlement.
3. To gear up the process of organising the Lok Adalats and to encourage the public to settle their disputes outside the formal set-up.
4. To empower public especially women to participate in justice delivery mechanism.

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

Establishment of the Commission

The National Commission for Protection of Child Rights is a statutory (and not a constitutional) body. It was set up in 2007 under a legislation enacted by the Parliament, namely, the Commissions for Protection of Child Rights Act, 2005. This Act was amended in 2006.

The Commission has to protect, promote and defend child rights in the country. Under the Act, the “child rights” includes the children’s rights adopted in the United Nations Convention on the Rights of the Child on 20th November, 1989 and ratified by the Government of India on 11th December, 1992. Under this Convention, a child has been defined as a human being below the age of eighteen years.

The Commission would deal with the effective implementation of laws and programmes relating to children.

Composition of the Commission

The Commission is a multi-member body consisting of a Chairperson and six members. Out of the six members, at least two should be women.

The Chairperson should be a person of eminence who has done outstanding work for promoting the welfare of children. The six members should be from amongst persons of eminence, ability, integrity, standing and experience in the following fields:

- (i) education
- (ii) child health, care, welfare or child development
- (iii) juvenile justice or case of neglected or marginalised children or children with disabilities
- (iv) elimination of child labour or children in distress
- (v) child psychology or sociology and
- (vi) laws relating to children.

The Chairperson and other members are appointed by the Central Government. However, the Chairperson is appointed on the recommendation of a three-member selection committee constituted by the Central Government under the Chairmanship of the minister-in-charge of the Ministry or the Department of Women and Child Development.

The salaries, allowances and other service conditions of the Chairperson and members are also

prescribed by the Central Government. However, they cannot be varied to their disadvantage after their appointment.

Term and Removal of Members

The Chairperson and members hold office for a term of three years. They are not eligible for appointment for more than two terms. Further, the upper age limit for holding the office is as follows:

- (a) in the case of the chairperson, it is 65 years and
- (b) in the case of the members, it is 60 years.

The Chairman or a member can relinquish his office at any time by addressing his resignation to the Central Government.

The Central Government can remove the Chairperson from his office on the ground of proved misbehaviour or incapacity. Further, it can also remove the Chairperson or any member from his office under the following circumstances:

- (i) If he is adjudged an insolvent or
- (ii) If he engages, during his term of office, in any paid employment outside the duties of his office or
- (iii) If he refuses to act or becomes incapable of acting or
- (iv) If he is declared of unsound mind by a competent court or
- (v) If he has so abused his office which renders his continuance in the office as detrimental to the public interest or
- (vi) If he is convicted and sentenced to imprisonment for an offence which (in the opinion of the Central Government) involves moral turpitude or
- (vii) If he absents himself from three consecutive meetings of the Commission.

However, the Chairperson or a member can not be removed until he is given an opportunity of being heard in the matter.

Functions of the Commission

The functions of the Commission are as follows:

1. To examine and review the safeguards provided by the laws for the protection of child rights and recommend measures for their effective implementation
2. To present to the Central Government, annually and at such other intervals as it may deem fit, reports upon the working of those safeguards
3. To inquire into violation of child rights and recommend initiation of proceedings in such cases
4. To examine all factors that inhibits the enjoyment of rights of children affected by terrorism, communal riots, natural disaster, domestic violence, HIV/AIDS, trafficking, exploitation and prostitution and recommend remedial measures
5. To look into matters relating to children in need of special care including children in distress, marginalised children, children in conflict with law, juveniles, children without family and children of prisoners and recommend remedial measures
6. To study treaties and other international instruments and undertake periodical review of

existing policies, programmes and other activities on child rights and make recommendations for their effective implementation

7. To undertake and promote research in the field of child rights
8. To spread child rights literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights
9. To inspect any juvenile custodial home or any other place of residence or institution (under the control of the Central Government or any state government or any other authority, including any institution run by a social organisation) where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action
10. To inquire into complaints and take *suo moto* notice of matters relating to:
 - (i) deprivation and violation of child rights
 - (ii) non-implementation of laws providing for protection and development of children and
 - (iii) non-compliance of policy decisions or instructions aimed at mitigating hardships and ensuring welfare and providing relief to children.
11. To perform such other functions as it may consider necessary for the promotion of child rights.

It must be noted here that the Commission is prohibited from inquiring into any matter which is pending before a State Commission for Protection of Child Rights or any other Statutory Commission.

Additional Functions of the Commission

In addition to the above functions, the Commission has been assigned the following functions under the Right of Children to Free and Compulsory Education (RTE) Act, 2009:

- (a) to examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation;
- (b) to inquire into complaints relating to the child's right to free and compulsory education; and
- (c) to take necessary steps after completion of an inquiry.

Similarly, the Commission has also been assigned the following additional functions under the *Protection of Children from Sexual Offences (POCSO) Act, 2012* and POCSO Rules 2012 :

- (a) to monitor the implementation of the provisions of the POCSO Act in the manner as prescribed under POCSO Rules, 2012;
- (b) to monitor the designation of Special Courts by state governments;
- (c) to monitor the appointment of Public Prosecutors by state governments;
- (d) to monitor the formulation of the guidelines described in the Act by the state governments, for the use of non-governmental organisations, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with the pre-trial and trial stage to assist the child, and to monitor the application of these guidelines;
- (e) to monitor the designing and implementation of modules for training police personnel and other concerned persons, including officers of the Central and state governments, for the effective discharge of their functions under the Act; and
- (f) to monitor and support the Central Government and state governments for the dissemination of information relating to the provisions of the Act through media including the television, radio

and print media at regular intervals, so as to make the general public, children as well as their parents and guardians aware of the provisions of the Act.

Powers of the Commission

The Commission, while inquiring into any matter, has all the powers of a civil court trying a suit and in particular in respect of the following matters:

- (a) summoning and enforcing the attendance of any person and examining him on oath
- (b) requiring the discovery and production of any document
- (c) receiving evidence on affidavits
- (d) requisitioning any public record from any court or office and
- (e) issuing summons for the examination of witnesses or documents.

Working of the Commission

The Commission may take any of the following steps upon the completion of an inquiry:

- (i) It may recommend to the concerned government or authority the initiation of proceedings for prosecution or such other suitable action against the concerned person.
- (ii) It may approach the Supreme Court or the High Court concerned for the necessary directions, orders or writs.
- (iii) It may recommend to the concerned government or authority for the grant of necessary interim relief to the victim.

The Commission submits its annual or special reports to the Central Government and to the state government concerned. These reports are laid before the respective legislatures, along with a memorandum of action taken on the recommendations of the Commission and the reasons for non-acceptance of any of such recommendations within one year.

NATIONAL COMMISSION FOR BACKWARD CLASSES

Establishment of the Commission

In the Mandal case judgement (1992), the Supreme Court directed the Central Government to constitute a permanent statutory body to examine the complaints of under-inclusion, over-inclusion or non-inclusion of any class of citizens in the list of backward classes.

Accordingly, the National Commission for Backward Classes Act, 1993 was enacted by the Parliament and the National Commission for Backward Classes was set up by the Government of India in 1993. The Commission is a quasi-judicial body.

The term “backward classes” means such backward classes of citizens, other than the Scheduled Castes and the Scheduled Tribes, as may be specified by the Central Government in the lists.

The term “lists” refers to lists prepared by the Central Government for providing reservations in appointments to backward classes of citizens.

With the enactment of the Central Educational Institutions (Reservation in Admission) Act, 2006,

the listing of backward classes by the Central Government has become relevant for admissions in central educational institutions also.

Composition of the Commission

The Commission is a multi-member body. It consists of the following five members:

- (a) a Chairperson, who is or has been a Supreme Court or High Court judge
- (b) a social scientist
- (c) two persons having special knowledge in matters relating to backward classes and
- (d) a member-secretary who is or has been an officer of the Central Government in the rank of a secretary to the Government of India.

The above members of the Commission are nominated by the Central Government. Their salaries, allowances and other service conditions are also prescribed by the Central Government.

Tenure of the Members

The members of the Commission hold office for a term of three years. However, they can relinquish their office at any time by addressing their resignation to the Central Government. Notably, members include the Chairperson.

Further, the Central Government can also remove a member from the office (before the expiry of his term) under the following circumstances:

- (i) If he becomes an undischarged insolvent
- (ii) If he gets convicted and sentenced to imprisonment for an offence which (in the opinion of the Central Government) involves moral turpitude
- (iii) If he is declared of unsound mind by a competent court
- (iv) If he refuses to act or becomes incapable of acting
- (v) If he absents himself from three consecutive meetings of the Commission or
- (vi) If he has so abused his official position which (in the opinion of the Central Government) renders his continuance in the office as detrimental to the interests of backward classes or the public interest.

However, a member can not be removed until he is given an opportunity of being heard in the matter.

Functions of the Commission

The functions of the Commission are as follows:

1. The Commission shall examine requests for inclusion of any class of citizens as a backward class in the Central Lists of Backward Classes and hear complaints of over-inclusion or under-inclusion of any backward class in the lists and tender appropriate advice to the Central Government
2. The advice of the Commission shall ordinarily be binding upon the Central Government
3. For every ten years, the Central Government shall undertake revision of the lists with a view to excluding from such lists those classes who have ceased to be backward classes or for

including in such lists new backward classes. The Central Government shall consult the Commission while undertaking such revision.

Powers of the Commission

The Commission is vested with the power to regulate its own procedure.

The Commission, while performing its functions relating to inclusion or over-inclusion or under-inclusion of any class of citizens in the list of backward classes, has all the powers of a civil court trying a suit and in particular in respect of the following matters:

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath
- (b) requiring the discovery and production of any document
- (c) receiving evidence on affidavits
- (d) requisitioning any public record from any court or office
- (e) issuing summons for the examination of witnesses and documents and
- (f) any other matter which may be prescribed by the Central Government.

Report of the Commission

The Commission presents an annual report to the Central Government. The report contains the full account of its activities during the previous year.

The Central Government places the report before each House of Parliament, along with a memorandum explaining the action taken on the advice tendered by the Commission. The memorandum should also contain the reasons for the non-acceptance of any such advice.

NATIONAL COMMISSION FOR MINORITIES

Establishment of the Commission

In 1978, the Government of India *vide* an executive resolution, set up a Minorities Commission to safeguard the interests of the minorities. The resolution explained the reasons for the establishment of the Minorities Commission in the following way:

“Despite the safeguards provided in the Constitution and the laws in force, there persists among the Minorities a feeling of inequality and discrimination. In order to preserve secular traditions and to promote National Integration, the Government of India attaches the highest importance to the enforcement of the safeguards provided for the Minorities and is of firm view that effective institutional arrangements are urgently required for the enforcement and implementation of all the safeguards provided for the Minorities in the Constitution, in the Central and State Laws and in the Government policies and administrative schemes enunciated from time to time.”

Later, it was felt that the Minorities Commission be given statutory status so that it may infuse confidence among the minorities about the working and the effectiveness of the Commission. It would then also carry more weight with the State Governments/Union Territory Administrations and the Ministries / Departments and the other organisations of the Central Government.

With the enactment of the National Commission for Minorities Act (1992), the Minorities Commission became a statutory body and was renamed the National Commission for Minorities. The first statutory Commission was constituted in 1993.

The Act does not define the term “minority”, but enables the Central Government to notify “minorities” for the purposes of the Act. Accordingly, the Centre in 1993 notified five religious communities viz., Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) as minority communities. In January 2014, the Jain community was added to this list

Composition of the Commission

The Commission is a multi-member body consisting of a Chairperson, a Vice-Chairperson and five members. They are nominated by the Central Government from amongst persons of eminence, ability and integrity. However, five members including the Chairperson should be from amongst the minority communities.

The salaries, allowances and other service conditions of the Chairman and members are also prescribed by the Central Government (Ministry of Minority Affairs). Notably, members include the Vice-Chairperson.

The chairperson and members hold office for a period of three years. However, they can relinquish their office at any time by addressing their resignation to the Central Government.

Removal of the Members

Further, the Central Government can also remove the Chairperson or a member from the office (before the expiry of his term) under the following circumstances:

- (a) If he becomes an undischarged insolvent
- (b) If he gets convicted and sentenced to imprisonment for an offence which (in the opinion of the Central Government) involves moral turpitude
- (c) If he is declared of unsound mind by a competent court
- (d) If he refuses to act or becomes incapable of acting
- (e) If he absents himself from three consecutive meetings of the Commission or
- (f) If he has so abused his official position that (in the opinion of the Central Government) renders his continuance in the office as detrimental to the interests of minorities or the public interest.

However, the Chairperson or a member can not be removed until he is given a reasonable opportunity of being heard in the matter.

Functions of the Commission

The Commission is provided with a nine-point mandate:

1. To evaluate the progress of the development of minorities under the Union and States
2. To monitor the working of the safeguards for minorities provided in the Constitution and in laws enacted by Parliament and the state legislatures
3. To make recommendations for the effective implementation of safeguards for the protection of

- the interests of minorities by the Central Government or the state governments
4. To look into specific complaints regarding deprivation of rights and safeguards of minorities and take up such matters with the appropriate authorities
 5. To cause studies to be undertaken into the problems arising out of any discrimination against minorities and recommend measures for their removal
 6. To conduct studies, research and analysis on the issues relating to socio-economic and educational development of minorities
 7. To suggest appropriate measures in respect of any minority to be undertaken by the Central Government or the state governments
 8. To make periodical or special reports to the Central Government on any matter pertaining to minorities and in particular the difficulties confronted by them
 9. To look into any other matter referred to it by the Central Government.

Powers of the Commission

The Commission, while evaluating/monitoring any matter or inquiring into any complaint, has all the powers of a civil court trying a suit and in particular in respect of the following matters:

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath
- (b) requiring the discovery and production of any document
- (c) receiving evidence on affidavits
- (d) requisitioning any public record from any court or office
- (e) issuing summons for the examination of witnesses and documents and
- (f) any other matter which may be prescribed by the Central Government.

Report of the Commission

The Commission presents an annual report to the Central Government. It can also submit a report as and when it thinks necessary.

The Central Government places all such reports before each House of Parliament, along with a memorandum explaining the action taken on the recommendations made by the Commission. The memorandum should also contain the reasons for the non-acceptance of any of such recommendations.

If any such report is related to any matter with which any state government is concerned, then the Commission forwards a copy of such report to such state government. The state government places it before the state legislature, along with a memorandum explaining the action taken on the recommendations of the Commission. The memorandum should also contain the reasons for the non-acceptance of any of such recommendations.

CENTRAL COMMISSIONER FOR DISABLED PERSONS

Statutory Status

The office of the Central Commissioner for Disabled Persons (or officially, the Chief Commissioner

for Persons with Disabilities) has been set up under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and has been mandated to take steps to safeguard the rights of persons with disabilities.

The Persons with Disabilities Act basically enlists facilities that persons with different types of disabilities would be entitled to and the responsibilities and obligations which are placed on the Government of India, state governments, local bodies and establishments in this behalf. It broadly includes measures for prevention and early detection of disabilities, education, employment, social security, research and manpower development, barrier-free access and preferences and facilities that are available to such persons and the actions which need to be taken to avoid any discrimination against persons with disabilities.

It has been provided in the Act that there shall be a Chief Commissioner at the Government of India level and a Commissioner in each state.

Appointment

- (1) The Central Government may, by notification, appoint a Chief Commissioner for persons with disabilities for the purposes of the Act.
- (2) A person shall not be qualified for appointment as the Chief Commissioner unless he has special knowledge or practical experience with respect to matters relating to rehabilitation.
- (3) The salary, allowances, and other conditions of service (including pension, gratuity and other retirement benefits) of the Chief Commissioner shall be prescribed by the Central Government.
- (4) The Central Government shall determine the nature and categories of officers and other employees required to assist the Chief Commissioner in the discharge of his functions and provide the Chief Commissioner with such officers and other employees as it thinks fit.
- (5) The officers and employees provided to the Chief Commissioner shall discharge their functions under the general superintendence of the Chief Commissioner.
- (6) The salaries, allowances and other conditions of service of officers and employees provided to the Chief Commissioner shall be prescribed by the Central Government.

Functions

The Chief Commissioner shall:

- (a) co-ordinate the work of the State Commissioners
- (b) monitor the utilisation of funds disbursed by the Central Government
- (c) take steps to safeguard the rights and facilities made available to persons with disabilities and
- (d) submit reports to the Central Government on the implementation of the Act at such intervals as that government may prescribe.

Further, the Chief Commissioner may on his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to:

- (a) deprivation of rights of persons with disabilities and
- (b) non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued by the governments and the local authorities for the welfare and protection of rights of persons with disabilities.

Powers

The Chief Commissioner shall, for the purpose of discharging his functions under the Act, has the same powers as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of witnesses
- (b) requiring the discovery and production of any document
- (c) requisitioning any public record from any court or office
- (d) receiving evidence on affidavits and
- (e) issuing commissions for the examination of witnesses or documents.

Every proceeding before the Chief Commissioner shall be a judicial proceeding within the meaning of the Indian Penal Code (1860). Also, the Chief Commissioner shall be deemed to be a Civil Court for the purposes of the Code of Criminal Procedure, 1973.

Annual Report

The Chief Commissioner shall submit to the Central Government an annual report giving a complete account of his activities during the previous year.

In particular, the annual report shall contain information in respect of the following matters, namely:

- (a) Names of officers, staff of the office and a chart showing the organisational set-up
- (b) The functions which the Chief Commissioner has been performed under the Act and the highlights of the performance in this regard
- (c) The main recommendations made by the Chief Commissioner
- (d) Progress made in the implementation of the Act statewise and
- (e) Any other matter deemed appropriate for inclusion by the Chief Commissioner or specified by the Central Government from time to time.

The Central Government places the report before each House of Parliament, along with a memorandum explaining the action taken on the recommendations made by the Chief Commissioner. The memorandum should also contain the reasons for the non-acceptance of any of such recommendations.

INSURANCE REGULATORY AND DEVELOPMENT AUTHORITY

The Insurance Regulatory and Development Authority (IRDA) was set-up under the Insurance Regulatory and Development Authority Act, 1999. Its functions include:

- (i) licensing of insurers and insurance intermediaries
- (ii) financial and regulatory supervision
- (iii) protection of the interests of the policy-holders, etc.

With a view to facilitating development of the insurance sector, the IRDA has issued regulations on protection of the interests of policyholders, obligations towards the rural and social sectors, micro insurance and licensing of agents, corporate agents, brokers and third party administrators. This is in addition to the regulatory framework provided for registration of insurance companies, maintenance of solvency margin, investments and financial reporting requirements, etc.

SECURITIES AND EXCHANGE BOARD OF INDIA

The Securities and Exchange Board of India (SEBI) was established under the Securities and Exchange Board of India Act, 1992. Its objective is to protect the interests of investors in securities and to promote the development of, and to regulate the securities market. Its functions are:

- (i) regulating the business in stock exchanges and any other securities markets
- (ii) registering and regulating the working of intermediaries who are associated with securities markets in any manner
- (iii) registering and regulating the working of venture capital funds and collective investment schemes including mutual funds
- (iv) promoting and regulating self-regulatory organisations and
- (v) prohibiting fraudulent and unfair trade practices relating to securities markets.

COMPETITION COMMISSION OF INDIA

The Competition Commission of India (CCI) was established under the Competition Act, 2002 with the mandate:

- (a) To prevent practices having adverse effect on competition
- (b) To promote and sustain competition in markets
- (c) To protect the interests of consumers
- (d) To ensure freedom of trade

The Competition (Amendment) Act, 2007 has incorporated some changes in the Competition Act, 2002 including the establishment of a Competition Appellate Tribunal (CAT) to hear appeals from the orders of the CCI.

TELECOM REGULATORY AUTHORITY OF INDIA

The Telecom Regulatory Authority of India (TRAI) was established under the Telecom Regulatory Authority of India Act, 1997 to regulate the telecommunication services. Its establishment was considered necessary in the context of liberalisation and private sector participation in the telecom sector and to provide a level playing field for all operators.

By amendments made in 2000 to the TRAI Act, the entire telecom regulatory framework, and the disputes settlement mechanism were strengthened. Besides bringing about clarity in the role and functions of the Regulator (TRAI), certain additional functions were also entrusted to it. A separate disputes settlement body known as the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) was also constituted for expeditious settlement of disputes.

The TRAI chalks out measures to promote competition and efficiency in the operation of telecommunication services so as to facilitate growth in such services and to lay down the standards of quality of service to be provided by the service providers.

PETROLEUM AND NATURAL GAS REGULATORY BOARD

The Petroleum and Natural Gas Regulatory Board (PNGRB) was constituted under the provisions of the Petroleum & Natural Gas Regulatory Board Act, 2006. Its mandate is:

- (i) to regulate the refining, processing, storage, transportation, distribution, marketing and sale of petroleum, petroleum products and natural gas
- (ii) to ensure uninterrupted and adequate supply of petroleum, petroleum products and natural gas in all parts of the country
- (iii) to ensure development of essential infrastructure and its optimum utilisation
- (iv) to protect the interests of both consumers as well as the entities operating in this sector
- (v) to facilitate and promote a competitive market and
- (vi) to provide a level playing field to ensure flow of massive investments.

CENTRAL ELECTRICITY REGULATORY COMMISSION

The Central Electricity Regulatory Commission (CERC) is a statutory body functioning under the Electricity Act, 2003. It was initially constituted under the Electricity Regulatory Commissions Act, 1998.

The CERC intends to promote competition, efficiency and economy in bulk power markets, improve the quality of supply, promote investments and advise the Government on the removal of institutional barriers to bridge the demand supply gap and thus foster the interests of consumers. Its functions are:

- (i) to regulate the tariff of generating companies owned or controlled by the Central Government
- (ii) to regulate the tariff of generating companies other than those owned or controlled by the Central Government
- (iii) to regulate the inter-state transmission of electricity
- (iv) to determine tariff for inter-state transmission of electricity and
- (v) to issue licenses to persons to function as transmission licensee and electricity trader with respect to their inter-state operations.

FORWARD MARKETS COMMISSION

The Forward Markets Commission (FMC) is a statutory body set up under the Forward Contracts (Regulation) Act, 1952. It regulates forward markets in commodities through the recognised associations, recommends to the Government the grant/withdrawal of recognition to the associations organising forward trading in commodities and makes recommendations for general improvement of the functioning of forward markets in the country.

ATOMIC ENERGY REGULATORY BOARD

The Atomic Energy Regulatory Board (AERB) was constituted in 1983 under the Atomic Energy Act, 1962 to carry out certain regulatory and safety functions. Its regulatory authority is derived from the rules and notifications promulgated under the Atomic Energy Act, 1962 and the Environment (Protection) Act, 1986.

The mission of the AERB is to ensure that the use of ionizing radiation and nuclear energy in India does not cause undue risk to health and the environment.

The AERB has constituted a number of Advisory Committees that deal with nuclear safety, radiological safety, industrial and fire safety, and occupational health. In addition, there are Advisory Committees for safety review of various projects and Advisory Committees for assisting AERB in its safety documents development work. The Advisory Committee on Nuclear Safety (ACNS) was constituted in 1985 to advise AERB on generic issues affecting the safety of nuclear installations including siting, design, construction, commissioning, operation and decommissioning.

CENTRAL SILK BOARD

The Central Silk Board (CSB) was established under the Central Silk Board Act, 1948 for overall development of sericulture and silk industry. Its functions are:

- (i) to undertake, assist and encourage scientific, technological and economic research in the silk sector,

- (ii) to devise means to improve cultivation of silkworm host plants,
- (iii) to improve quality and production of raw silk and marketing of silk,
- (iv) to regulate silkworm seed production, multiplication and sale to ensure quality silkworm seed supply, and
- (v) to regulate import and export of silkworm seed to prevent transfer of disease across the country.

CENTRAL POLLUTION CONTROL BOARD

The Central Pollution Control Board (CPCB) was constituted in 1974 under the Water (Prevention and Control of Pollution) Act, 1974. Further, it was entrusted with the powers and functions under the Air (Prevention and Control of Pollution) Act, 1981. Its functions are:

- (i) to promote cleanliness of streams and wells in different areas of the states by prevention, control and abatement of water pollution
- (ii) to improve the quality of air and to prevent, control or abate air pollution in the country
- (iii) to co-ordinate the activities of the State Pollution Control Boards and resolve disputes among them and
- (iv) to lay down, modify or annul, in consultation with the state governments concerned, the standards for stream or well, and lay down standards for the quality of air.

COASTAL AQUACULTURE AUTHORITY

The Coastal Aquaculture Authority (CAA) was established under the provisions of the Coastal Aquaculture Authority Act, 2005 for regulating the activities connected with coastal aquaculture in coastal areas. It takes measures for regulation of coastal aquaculture by prescribing guidelines to ensure that coastal aquaculture does not cause any detriment to the coastal environment and the concept of responsible coastal aquaculture contained in the guidelines shall be followed in regulating coastal aquaculture activities to protect the livelihood of various sections of people living in the coastal areas.

CONTROLLER OF CERTIFYING AUTHORITIES

The Information Technology Act, 2000 provides the required legal sanctity to the digital signatures based on asymmetric cryptosystems. The digital signatures are now accepted at par with handwritten signatures and the electronic documents that have been digitally signed are treated at par with paper documents.

The IT Act provides for the Controller of Certifying Authorities (CCA) to license and regulate the working of Certifying Authorities. These Certifying Authorities (CAs) issue digital signature certificates for electronic authentication of users.

The CCA certifies the public keys of CAs using its own private key, which enables users in the cyberspace to verify that a given certificate is issued by a licensed CA. For this purpose, it operates

the Root Certifying Authority of India (RCAI). The CCA also maintains the National Repository of Digital Certificates (NRDC), which contains all the certificates issued by all the CAs in the country.

MEDICAL COUNCIL OF INDIA

The Medical Council of India (MCI) was established as a statutory body under the provisions of the Indian Medical Council Act, 1933 which was later repealed by the Indian Medical Council Act, 1956. Its functions are:

- (i) maintenance of uniform standard of medical education both at the undergraduate and the postgraduate levels
- (ii) maintenance of Indian Medical Register
- (iii) reciprocity with foreign countries in the matter of mutual recognition of medical qualifications
- (iv) granting of provisional/permanent registration of doctors with recognised medical qualifications, etc.

PHARMACY COUNCIL OF INDIA

The Pharmacy Council of India (PCI) is a statutory body constituted under the Pharmacy Act, 1948. It is responsible for the:

- (i) regulation of the pharmacy education in the country for the purpose of registration as a pharmacist under the Pharmacy Act
- (ii) regulation of profession and practice of pharmacy
- (iii) inspection of pharmacy institutions seeking approval under the Pharmacy Act and
- (iv) maintenance of Central Register of Pharmacists.

DENTAL COUNCIL OF INDIA

The Dental Council of India (DCI) is a statutory body established under the Dentists Act, 1948 with the prime objective of regulating dental education, profession and its ethics in the country. It periodically carries out inspections of dental institutions to ascertain the adequacy of teaching facilities.

VETERINARY COUNCIL OF INDIA

The Veterinary Council of India (VCI) is a statutory body established under the Indian Veterinary Council Act, 1984. Its functions are:

- (i) to prepare and maintain the Indian Veterinary Practitioners' Register
- (ii) to lay down minimum standards of veterinary education
- (iii) to recommend recognition or withdrawal of recognition of veterinary qualifications
- (iv) to lay down the standards of professional conduct, etiquette and code of ethics

- (v) to regulate veterinary practice in the country
- (vi) to advise the Central and the state governments on all regulatory matters concerning veterinary practice and education.

CENTRAL COUNCIL OF INDIAN MEDICINE

The Central Council of Indian Medicine (CCIM) is a statutory body constituted under the Indian Medicine Central Council Act, 1970. Its functions are:

- (i) to prescribe minimum standards of education in Indian Systems of Medicine viz. Ayurved, Siddha, Unani Tibb
- (ii) to advise the Central Government in matters relating to recognition (inclusion/withdrawal) of medical qualification
- (iii) to maintain a central register on Indian Medicine and revise the register from time to time
- (iv) to prescribe Standards of Professional Conduct, Etiquette and Code of Ethics to be observed by the practitioners.

INDIAN NURSING COUNCIL

The Indian Nursing Council (INC) was constituted under the Indian Nursing Council Act, 1947. Its functions are:

- (i) to establish and monitor a uniform standard of nursing education for nurses, midwives, auxiliary nurse-midwives and health visitors by regular inspection of the institutions
- (ii) to recognise the qualifications for the purpose of registration and employment in India and abroad
- (iii) to prescribe the syllabus and regulations for nursing programs
- (iv) to withdraw the recognition of qualification in case an institution fails to maintain its standards.

CENTRAL COUNCIL OF HOMOEOPATHY

The Central Council of Homoeopathy (CCH) was established under the Homoeopathic Central Council Act, 1973 to evolve uniform standards of education in Homoeopathy and the registration of practitioners of Homoeopathy. The registration of practitioners on the Central Register of Homoeopathy will ensure that medicine is not practiced by those who are not qualified in this system, and those who practice, observe a code of ethics in the profession.

NATIONAL RAIN-FED AREA AUTHORITY

The National Rain-fed Area Authority (NRAA) was constituted in 2006 to give focused attention to the problem of the rain-fed areas of the country. It is an advisory, policy making and monitoring body

charged with the role of examining guidelines in various existing schemes and in the formulation of new schemes including all externally aided projects in this area. Its mandate is wider than mere water conservation and will cover all aspects of sustainable and holistic development of rain-fed areas.

INLAND WATERWAYS AUTHORITY OF INDIA

The Inland Waterways Authority of India (IWAI) came into existence in 1986 for development and regulation of inland waterways for shipping and navigation. It primarily undertakes projects for development and maintenance of inland water transport infrastructure on national waterways.

CENTRAL GROUND WATER AUTHORITY

The Central Ground Water Authority (CGWA) was constituted under the Environment (Protection) Act, 1986 for the purposes of regulation and control of ground water development and management in the country.

The CGWA is engaged in various activities related to regulation of ground water development to ensure its long-term sustainability. These involve regulating withdrawal of ground water by industries/projects in over-exploited, semi-critical and critical blocks/talukas/mandals/districts through clearance of such proposals. It also conducts mass awareness and water management training programmes throughout the country as proactive measures to create awareness and capacity building in ground-water management.

DIRECTORATE GENERAL OF CIVIL AVIATION

The Directorate General of Civil Aviation (DGCA) is the regulatory body in the field of civil aviation. It is responsible for:

- (i) Regulation of air transport services to/from and within India
- (ii) Licensing of pilots, aircraft maintenance engineers and monitoring of flight crew standards
- (iii) Registration of civil aircraft
- (iv) Laying down airworthiness requirements for civil aircraft registered in India and granting of certificate of airworthiness to such aircraft
- (v) Licensing of aerodromes and air carriers
- (vi) Safety oversight and surveillance of air carriers and aerodromes

AIRPORTS ECONOMIC REGULATORY AUTHORITY OF INDIA

The Airports Economic Regulatory Authority of India (AERA) is mandated to regulate tariff for aeronautical services rendered at major airports in India, determine other airport charges and to monitor the performance standards of such airports. It has been established so as to create a level

playing field, to foster healthy competition amongst all major airports, and to encourage investment in airport facilities.

PENSION FUND REGULATORY AND DEVELOPMENT AUTHORITY

The Pension Fund Regulatory and Development Authority (PFRDA) was established in 2003. Its mandate is development and regulation of pension sector in India.

The PFRDA has set up a Trust under the Indian Trusts Act, 1882 to oversee the functions of the Pension Fund Managers (PFMs). The New Pension System (NPS) Trust is composed of members representing diverse fields and brings wide range of talent to the regulatory framework.

The PFRDA's efforts are an important milestone in the development of a sustainable and an efficient voluntary defined contribution based pension system in India.

FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA

The Food Safety and Standards Authority of India (FSSAI) is an autonomous statutory authority set up under the Food Safety and Standards Act, 2006 for laying down science-based standards for articles of food and for regulating their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption. The Act aims to establish a single reference point for all matters relating to food safety and standards, by moving from multi-level, multi-departmental control to a single line of command.

BAR COUNCIL OF INDIA

The Bar Council of India (BCI) is a statutory body constituted under the *Advocates Act, 1961* to regulate and represent the Indian bar. Its functions are as follows:

1. To lay down standards of professional conduct and etiquette for advocates.
2. To safeguard the rights, privileges and interests of advocates.
3. To promote and support law reform.
4. To promote legal education and to lay down standards of legal education.
5. To recognise universities whose degree in law shall be a qualification for enrolment as an advocate.
6. To organise legal aid to the poor.
7. To recognise on a reciprocal basis, the foreign qualifications in law obtained outside India for the purpose of admission as an advocate in India.

The Bar Council of India consists of members elected from each State Bar Council, and the Attorney General of India and the Solicitor General of India who are ex-officio members. The members from the State Bar Councils are elected for a period of five years.

The Council elects its own Chairman and Vice-Chairman for a period of two years from amongst its members.

UNIVERSITY GRANTS COMMISSION

The University Grants Commission (UGC) is a statutory body established under the *University Grants Commission Act, 1956*.

The UGC has the unique distinction of being the only grant-giving agency in the country which has been vested with two responsibilities: that of providing funds and that of coordination, determination and maintenance of standards in institutions of higher education.

The UGC's mandate includes:

1. Promoting and coordinating university education.
2. Determining and maintaining standards of teaching, examination and research in universities.
3. Framing regulations on minimum standards of education.
4. Monitoring developments in the field of collegiate and university education; disbursing grants to the universities and colleges.
5. Serving as a vital link between the Union and state governments and institutions of higher learning.
6. Advising the Central and state governments on the measures necessary for improvement of university education.

FINANCIAL STABILITY AND DEVELOPMENT COUNCIL

With a view to strengthening and institutionalizing the mechanism for maintaining financial stability and development, the Financial Stability and Development Council (FSDC) was set up as the apex level forum in 2010. The Chairman of the Council is the Finance Minister and its members include the heads of financial sector Regulators (RBI, SEBI, PFRDA, IRDA & FMC); Finance Secretary and/or Secretary, Department of Economic Affairs; Secretary, Department of Financial Services; and Chief Economic Adviser.

Without prejudice to the autonomy of regulators, the Council deals with issues relating to:

1. Financial stability
2. Financial sector development
3. Inter-regulatory coordination
4. Financial literacy
5. Financial inclusion
6. Macro prudential supervision of the economy including the functioning of large financial conglomerates
7. Coordinating India's international interface with financial sector bodies like the Financial Action Task Force (FATF), Financial Stability Board (FSB) and any other such body
8. Any other matter relating to the financial sector stability and development.

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION

The All India Council for Technical Education (AICTE) was set up in 1945 as an advisory body and

later on in 1987 given the statutory status by an Act of Parliament. The AICTE grants approval for starting new technical institutions, for introduction of new courses and for variation in intake capacity in technical institutions. It lays down norms and standards for such institutions. It also ensures quality development of technical education through accreditation of technical institutions or programmes.

In addition to its regulatory role, the AICTE also has a promotional role which it implements through schemes for promoting technical education for women, handicapped and weaker section of the society promoting innovations, faculty, research and development, giving grants to technical institutions.

The technical institutions under the AICTE include post-graduate, under-graduate and diploma in the whole spectrum of technical education covering engineering/technology, pharmacy, architecture, hotel management and catering technology, management studies, computer applications and applied arts and crafts.

NATIONAL GREEN TRIBUNAL

The National Green Tribunal (NGT) was established in the year 2010 under the *National Green Tribunal Act* (2010) for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources. It also deals with the cases pertaining to the enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property.

The Tribunal is a specialised body equipped with the necessary expertise to handle environmental disputes involving multi-disciplinary issues. It is not bound by the procedure laid down under the Code of Civil Procedure, 1908, but is guided by principles of natural justice.

Initially, the Tribunal is proposed to be set up at five places of sittings and will follow circuit procedure for making itself more accessible. New Delhi is the Principal Place of sitting of the Tribunal and Bhopal, Pune, Kolkata and Chennai are the other four places of sitting of the Tribunal. In addition to the Chairperson, the Tribunal consists of judicial members and expert members.

The Tribunal's dedicated jurisdiction in environmental matters shall provide speedy environmental justice and help to reduce the burden of litigation in the higher courts. It is mandated to make an endeavour for disposal of applications or appeals finally within six months of filing of the same.

The Tribunal applies the principles of Sustainable Development, the Precautionary Principle and the Polluter Pay Principle.

Any person aggrieved because of the decision of the Tribunal may file an appeal before the Supreme Court within ninety days.

Whoever fails to comply with the order or award or decision of the Tribunal is punishable with imprisonment up to three years, or fine up to ₹10 crore or both. In case failure or contravention continues, the punishment is with additional fine of ₹ 25,000 every day after conviction for first such failure. In case of a company, it is up to ₹25 crore and for continuous contravention, additional fine may extend to ₹1 lakh/day.

COMPETITION APPELLATE TRIBUNAL

The Competition Appellate Tribunal (COMPAT) is a statutory organisation established under the provisions of the *Competition Act*, 2002 to hear and dispose of appeals against any direction issued or decision made or order passed by the Competition Commission of India. The Tribunal also adjudicates on claim for compensation that may arise from the findings of the Competition

Commission of India or the orders of the Tribunal in an appeal against any findings of the Competition Commission of India and pass orders for the recovery of compensation under the Act.

The Government has set up the Tribunal in 2009 having its Headquarter at New Delhi. Besides the Chairperson, the Tribunal consists of two members to be appointed by the Central Government.

Every appeal should be filed within a period of 60 days of the direction or decision or order made by the Competition Commission of India. The Tribunal may entertain an appeal after the expiry of the period of 60 days if it is satisfied that there was sufficient cause for not filing it within that period.

The Tribunal is not bound by the procedure laid down in the Code of Civil Procedure, 1908, but is guided by the principles of natural justice. If any person contravenes, without any reasonable ground, any order of the Tribunal, he shall be liable for a penalty of not exceeding ₹1 crore or imprisonment for a term up to three years or with both.

After the dissolution of the erstwhile MRTP Commission, the Government vested the Tribunal with powers to hear and dispose of pending cases, being dealt with by the then MRTP Commission.

INCOME-TAX APPELLATE TRIBUNAL

The *Income Tax Act*, 1961 provides that the Central Government shall constitute an Appellate Tribunal consisting of as many Judicial Members and Accountant Members as it thinks fit, to exercise the powers and discharge the functions conferred on the Appellate Tribunal by the said Act. The Income Tax Appellate Tribunal (ITAT) was established in 1941, in pursuance of a similar provision contained in the *Indian Income Tax Act*, 1922.

The present sanctioned strength of Members of Tribunal is 126 for 63 benches spread over 27 cities throughout the country.

The Tribunal is presently headed by the President assisted by one Senior Vice-President and nine Vice-Presidents.

Primarily, the Tribunal was set up to dispose of appeals arising from assessments under the Income Tax Act. When other direct taxes, *viz.*, Excess Profits Tax, Business Profits Tax, Wealth Tax Act, Gift Tax Act, Expenditure Tax Act, Super Profits Tax Act were introduced from time to time, orders of the Appellate Assistant Commissioner under all these Acts were made appealable to the Tribunal. Orders passed by the Appellate Controller of Estate Duty are also appealable to the Tribunal. Orders prejudicial to assesses passed by the Commissioner in exercise of his Revisional Jurisdiction also come up in appeal to the Tribunal. The Tribunal is thus functioning at present as the appellate Tribunal for all direct taxes including Estate Duty.

INCOME TAX SETTLEMENT COMMISSION

The Income Tax Settlement Commission (ITSC) is an important Alternate Disputes Resolution (ADR) mechanism for resolving tax disputes relating to Direct Taxes. At present, four benches of the Commission are operational at New Delhi, Mumbai, Kolkata and Chennai, respectively.

The Commission was constituted in 1976, on the recommendation of the Wanchoo Committee (1971). The Committee conceived the Commission as a mechanism for providing room for settlement and compromise for one-time tax evaders or unwitting defaulters. One 'Case' settled by the Commission, reduces litigation in respect of an applicant for several years relating to proceedings of

various nature, such as assessment, penalty, prosecution, tax collection, etc. Each such proceeding before an Assessing Officer of the Income Tax Department is appealable before the Commissioner (Appeals) and later before the Income Tax Appellate Tribunal and where it involves question of law, even up to High Courts and the Supreme Court.

Later in 1996, a review of the mechanism of the Commission was done by a committee led by Justice Duggal, which found that the Commission has been substantially successful in achieving the objects for which it was set up. It also acknowledged that in the revenue matters, the Commission has contributed in moving from conflict to consensus approach.

In 2009, the Supreme Court observed the advantages of the Commission in settling liabilities across the board in complicated cases having doubtful benefits to revenue.

Each Bench comprises of one Presiding Officer (Chairman/ Vice-chairman) and two members, who are retired IRS officers. Each bench of the Commission is supported by two senior IRS officers of the level of Joint Secretary, i.e., a Secretary and a Director (Investigation). The Secretary provides administrative support, while the Director (Investigation) and the Additional Directors (Investigation) provide technical support to the Commission in deciding the settlement applications.

CYBER APPELLATE TRIBUNAL

The Cyber Appellate Tribunal has been established under the Information Technology Act (2000) under the aegis of Controller of Certifying Authorities (C.C.A.). The Tribunal, initially known as the Cyber Regulations Appellate Tribunal (C.R.A.T.), started functioning from 2006.

The Tribunal has, for the purposes of discharging its functions under the I.T. Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908. However, the procedure laid down by the Code of Civil Procedure, 1908 applies but at the same time the Tribunal is guided by the principles of natural justice.

The Tribunal has powers to regulate its own procedure including the place at which it has its sittings. Every proceeding before the Tribunal is deemed to be a judicial proceeding within the meaning of the Indian Penal Code.

The Tribunal is headed by a President Officer who is qualified to be a Judge of a High Court.

Any person aggrieved by an order made by the Controller or by an Adjudicating Officer appointed under the Information Technology Act, 2000 can prefer an appeal before the Tribunal within forty-five days of receiving a copy of the order of the Controller or the Adjudicating Officer.

The Central Government may appoint a Controller of Certifying Authorities for discharging the functions provided under the Act. The Act empowers the Central Government to appoint an adjudicating officer to hold an enquiry as to whether any person has contravened any provisions of the Act or any rule, regulation or direction or order made thereunder which renders him liable to pay penalty or compensation.

INTELLECTUAL PROPERTY APPELLATE BOARD

The Intellectual Property Appellate Board (IPAB) has been constituted in 2003 to hear appeals against the decisions of the Registrar of trade marks, geographical indications and the controller of

patents.

The Board has its headquarters at Chennai and shall have sittings at Chennai, Mumbai, Delhi, Kolkata and Ahmedabad.

The *Trade Marks Act, 1999* provides for the establishment of the Board. The objective of setting up of the Board is to hear and decide appeals from the order or decision of the Registrar of Trade Marks which till now were under the jurisdiction of the High Courts.

The Board can also entertain original applications for rectifications of the Registrar of Trade Marks under the above Act.

Appeals from an order or decision of the Registrar under the Trade Marks Rules, 2002 shall also be heard by the IPAB.

It is provided that similar matters arising under the Geographical Indications of Goods (Registration and Protection) Act, 1999 shall also be heard and decided by IPAB.

In 2007, the provisions of the Patent Amendment Act, 2002 and the Patents Amendment Act, 2005, relating to the Intellectual Property Appellate Board have been brought into force. Thus, all the Appeals pending before the various High Courts, will stand transferred to the IPAB. Likewise, fresh rectification applications under the Patents Act, 1970, will have to be filed before the IPAB.

EMPLOYEES' PROVIDENT FUNDS APPELLATE TRIBUNAL

The Employees' Provident Funds Appellate Tribunal, Delhi, is a government organisation that handles issues related to Provident Fund Scheme, Pension Scheme and Insurance Scheme. It is a part of the Ministry of Labour and Employment, Government of India. It comes under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

The Act makes the following provisions with respect to the Tribunal:

1. The Central Government may constitute one or more Appellate Tribunals to be known as the Employees' Provident Funds Appellate Tribunal to exercise the powers and discharge the functions conferred on such Tribunal by this Act. Every such Tribunal shall have jurisdiction in respect of establishments situated in such area as may be specified in the notification constituting the Tribunal.
2. A Tribunal shall consist of one person only to be appointed by the Central Government. A person shall not be qualified for appointment as a Presiding Officer of a Tribunal unless he is, or has been, or is qualified to be,
 - (i) a Judge of a High Court; or
 - (ii) a District Judge.
3. The Central Government shall determine the nature and categories of the officers and other employees required to assist a Tribunal in the discharge of its functions and provide the Tribunal with such officers and other employees as it may think fit. The officers and other employees of a Tribunal shall discharge their functions under the general superintendence of the Presiding Officer.
4. Any person aggrieved by a notification issued by the Central Government, or an order passed by the Central Government, or any authority, under the provisions of the Act may prefer an appeal to a Tribunal against such order.
5. A Tribunal shall have power to regulate its own procedure in all matters arising out of the

exercise of its powers or of the discharge of its functions including the places at which the Tribunal shall have its sittings.

6. A Tribunal shall, for the purpose of discharging its functions, have all the powers which are vested in the officers referred to in the Act. Any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of the Indian Penal Code (1860). The Tribunal shall be deemed to be a civil court for all the purposes of the Code of Criminal Procedure, 1973.
7. A Tribunal may, after giving the parties to the appeal, an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or annulling the order appealed against or may refer the case back to the authority which passed such order with such directions as the tribunal may think fit, for a fresh adjudication or order.

CUSTOMS, EXCISE AND SERVICE TAX APPELLATE TRIBUNAL

The Customs, Excise and Service Tax Appellate Tribunal (CESTAT) was earlier known as Customs, Excise & Gold (Control) Appellate Tribunal. It was created in 1982 to provide an independent forum to hear the appeals against orders and decisions passed by the Commissioners of Customs & Excise under the Customs Act, 1962, Central Excise Act, 1944 and Gold (Control) Act, 1968. The Gold (Control) Act, 1968 has now been repealed. Presently, Service Tax appeals have been included.

The Tribunal is also having appellate jurisdiction in anti-dumping matters and the special bench headed by the President, CESTAT, hears the appeals against the orders passed by the designated authority in the Ministry of Commerce.

The Head Quarter as well as the Principal Bench of the Tribunal is situated at Delhi and other regional benches are situated at Mumbai, Kolkata, Chennai, Bangalore and Ahmedabad. Each bench consists of a Judicial Member and a Technical Member.

To expedite the disposal of small cases with financial stake involving upto ₹10,00,000 (ten lakh), a single member bench is also constituted.

The Tribunal is the appellate authority in the cases of classification and valuation. An appeal against the Tribunal's order lies before the Supreme Court.

As a result of an amendment by the Finance Act, 1995 the distinction between the special benches and other benches was done away with and now any bench of two or more members is competent to hear all the matters which were earlier being heard at Delhi except anti-dumping matters.

The Tribunal is headed by the President. There are two posts of Vice-Presidents and 18 posts of Members (Judicial) and Members (Technical).

APPELLATE TRIBUNAL FOR ELECTRICITY

Under the provisions of the Electricity Act, 2003, an Appellate Tribunal for Electricity having jurisdiction through out India has been set up to hear appeals or original petitions against the orders of the Adjudicating Officer or the Central Regulatory Commission or State Regulatory Commission or Joint Commission constituted under the Act.

The Tribunal is conferred with original jurisdiction to hear petitions under the Act and issue directions to any Appropriate Commission for the performance of its statutory functions.

The Tribunal has been established by the Ministry of Power, Govt. of India in 2004. This Tribunal shall ordinary sit at Delhi.

The Tribunal shall consist of a Chairperson and three other members. Every Bench constituted by the Chairperson shall consist of at least one Judicial Member and one Technical Member.

The *Electricity Act* (2003) seeks to consolidate the laws relating to generation, transmission, distribution, trading and use of electricity. It contains measures conducive to development of electricity industry, promoting competition therein, protecting interest of consumers and supply of electricity to all areas, rationalisation of electricity tariff, ensuring transparent policies regarding subsidies, promotion of efficient and environmentally benign polices. It also provides for the constitution of Central Electricity Authority, Regulatory Commissions and establishment of Appellate Tribunal.

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL

The Airports Economic Regulatory Authority Appellate Tribunal (AERAAT) was established under the Airports Economic Regulatory Authority of India Act, 2008 to adjudicate any dispute between two or more service providers, between a service provider and a group of consumers and to hear and dispose appeal against any direction/decision/order of the Airports Economic Regulatory Authority.

The Central Government or State Government or Local Authority or any person may make an application to the Tribunal for adjudication of any dispute and/or appeal to the Tribunal against any direction, decision or order made by the Authority, under the Act. The Tribunal may after giving the parties to the dispute or the appeal an opportunity of being heard, pass such orders as it may think fit.

Any person who willfully fails to comply with the Tribunal shall be punishable with fine which may extend to one lakh rupees and in case of second or subsequent offence with fine which may extend to two lakh rupees and in the case of continued contravention with additional fine which may extend to two lakh rupees for every day during which such default continues.

The appeals against the orders of the Tribunal lie before the Supreme Court. No Civil Court shall have the jurisdiction to entertain any suit or proceedings in respect of any matter which the Tribunal is empowered by or under the Act and no injunction shall be granted by any court or other authority in respect of any action taken in pursuance of any power conferred under the Act.

The Airports Economic Regulatory Authority (AERA) was established in 2009 with the prime objective to create a level playing field and foster healthy competition among all major airports (Government owned, Public partnership based, Private), encourage investment in airport facilities, regulate tariffs of aeronautical services, protection of reasonable interest of users, operate efficient, economic and viable airports.

RAILWAY CLAIMS TRIBUNAL

In the year 1890, an enactment known as the *Indian Railway Act* was legislated and passed by British

Parliament. This piece of legislation was aimed at various matters concerning railways. After independence, it was felt that some changes be brought in the Act to fulfill needs of people in the present day. So maintaining some provisions of Act of 1890, rendering some provisions redundant and replacing new provisions, a new legislation named the *Railways Act, 1989* was enacted.

The broad features of this Act are that Railways were re-constituted in zones with a General Manager for each zone. The Central Government had power to fix the rates of carriage of passengers and goods. The provision for compensation by Railways on account of loss, damage of goods etc. and also due to accidental deaths and injury was maintained. The special provisions were introduced regarding monetary liability of railways as carriers of goods etc.

The *Railway Claims Tribunal Act, 1987* was enacted to provide speedy disposal of claims against the Railway Administration. Although Railway Administration made a way to compensate the consignor/consignee of goods etc. and also for compensation for loss of lives yet people were not often satisfied and they went to Courts, which took very long time to decide the claims and litigation was protracted for indefinite period. Therefore, the necessity was felt to expedite the disposal of claims at the earliest, which resulted in establishment of the Claims Tribunal, which would exclusively deal with such claims and speedily dispose of the same. As a result, the burden of Courts was reduced and speedy relief was made available. Even the refund of fares and freights was also brought within the purview of Tribunal.

The RCT Act is to provide for the establishment of a Railway Claims Tribunal for inquiring into and determining claims against a Railway Administration for loss, destruction, damage, deterioration or non-delivery of animals or goods entrusted to it to be carried by railway or for the refund of fares or freight or for compensation for death or injury to passengers occurring as a result of railway accidents or untoward incidents.

The scheme of the Act shows that it made provisions for establishment of Tribunal, its Benches, officers and staff, their term, eligibility, the jurisdiction, powers and authority of Tribunal, its procedure, execution of its orders and appeals. In this way, the Act is a self-contained Act.

PRESS COUNCIL OF INDIA

The Press Council of India (PCI) was first set up in the year 1966 by the Parliament on the recommendations of the First Press Commission with the object of preserving the freedom of the press and of maintaining and improving the standards of press in India.

The present Council functions under the *Press Council Act, 1978*. It is a statutory, quasi-judicial body which acts as a watchdog of the press. It adjudicates the complaints against and by the press for violation of ethics and for violation of the freedom of the press respectively.

The Council is headed by a Chairman, who has by convention, been a retired judge of the Supreme Court of India. The Council consists of 28 other members of whom 20 represent the press and are nominated by the press organisations/news agencies recognised and notified by the Council as all India bodies of categories such as editors, working journalists and owners and managers of newspaper and news agencies, five members are nominated from the two Houses of Parliament and three represent cultural, literary and legal fields as nominees of the Sahitya Academy, University Grants Commission and the Bar Council of India.

The Council discharges its functions primarily through adjudications on complaint cases received by it, either against the Press for violation of journalistic ethics or by the Press for interference with

its freedom. Where the Council is satisfied, after inquiry, that a newspaper or a news agency has offended against the standards of journalistic ethics or public taste or that an editor or working journalist has committed any professional misconduct, the Council may warn, admonish or censure them or disapprove of their conduct.

The Council is also empowered to make such observations as it may deem fit in respect of the conduct of any authority, including Government, for interfering with the freedom of the press. The decisions of the Council are final and cannot be questioned in any court of law.

The Council has been entrusted by the Parliament with the additional responsibility of functioning as Appellate Authority under the Press and Registration of Books Act, 1867 and the Appellate Board comprises of the Chairman of the Council and a member of the Council. The Board meets regularly and decides the Appeals placed before it.

The Council rendered its opinion on the references received from Law Commission regarding astrology advertisement. Election Commission of India also approached the Council for providing some concrete parameters to adjudge Paid News.

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL

The *Telecom Regulatory Authority of India (TRAI) Act, 1997* (as amended) provides for the establishment of the TRAI and the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) to regulate the telecommunication services, adjudicate disputes, dispose appeals and to protect the interests of service providers and consumers of the telecom sector, to promote and ensure orderly growth of the telecom sector.

The TDSAT was created in 2000 under the TRAI Act, 1997 to settle and adjudicate disputes involving licensor and licensee, between service providers and between a group of consumers and service providers. In 2004, the jurisdiction of the TDSAT was extended to include broadcasting and cable services besides telecommunication services. The TDSAT exercises appellate jurisdiction over regulations, determinations, orders and directions of the TRAI.

The jurisdiction of TDSAT is exclusive and its orders can be challenged before Supreme Court of India on points of law only. The statutory appeal does not lie against the interim orders of TDSAT. The TDSAT is an expert body and comprises of a Chairperson and two Members. The Chairperson is a retired Judge of the Supreme Court of India while two Members are experts in the field of administration/telecommunications.

The TDSAT is not bound by the provisions of Civil Procedure Code. It has formulated its own Procedure (TDSAT Procedure 2005) which is simple and is based on the principles of natural justice.

World over the disputes in telecom and broadcasting sector are resolved by the regulator or normal courts. However, in India the unique Institution in the form of TDSAT exists for speedy settlement and adjudication of disputes on telecom and broadcasting sector. As such, dispute resolution in India is outside the purview of the telecom regulator.

APPELLATE TRIBUNAL FOR FOREIGN EXCHANGE

The Appellate Tribunal for Foreign Exchange was established in 2000 under the Foreign Exchange Management Act (FEMA), 1999. Under the FEMA, the Central Government or any person aggrieved by an order made by Special Director (Appeals), or made by an Adjudicating Authority may prefer an appeal to the Tribunal that may be filed within 45 days from the date of receiving the order by the aggrieved person or the Central Government.

The FEMA provides that the Tribunal shall consist of a Chairperson and such number of members as the Central Government may deem fit. The jurisdiction of the Tribunal may be exercised by the Benches. The Bench may be constituted by the Chairperson, with one or more Members as the Chairperson deems fit.

The Benches of the Tribunal shall ordinarily sit at New Delhi and at such other places as the Central Government may, in consultation with the Chairperson, notify. The Chairperson may transfer a Member from one Bench to another Bench. If at any stage it appears that the matter should be heard by a Bench of two Members, the Chairperson may transfer the matter to such Bench as he deems fit.

A person who is qualified to be a Judge of a High Court or is or has been a Judge of High Court can be appointed as Chairperson of the Tribunal and a person who has been or is qualified to be a District Judge can be appointed as a Member of the Tribunal.

The Tribunal is a successor to the Foreign Exchange Regulation Appellate Board, which ceased to exist with the repealing of the Foreign Exchange Regulation Act (FERA), 1973, with effect from 2000. Accordingly, all appeals which were pending before the FERA Board stood transferred under the FEMA with effect from 2000.

The Tribunal hears appeals from the orders of Enforcement Directorate under the defunct FERA and its successor FEMA.

DELIMITATION COMMISSION OF INDIA

The word ‘delimitation’ literally means the act or process of fixing limits or boundaries of territorial constituencies in a country or a Province having a legislative body. The job of delimitation is assigned to a high-powered body. Such a body is known as Delimitation Commission or a Boundary Commission.

Commissions Established So Far

The Delimitation Commission of India is a statutory (and not a constitutional) body. It is established by the Central Government under the provisions of a law enacted by the Parliament. Its function is to demarcate the boundaries of the Parliamentary and Assembly Constituencies in the country.

The Commission is a powerful body. Its orders have the force of law and cannot be challenged in any court. They (orders) come into force on a date specified by the President of India. They are laid before the Lok Sabha and the State Legislative Assembly concerned. But, modifications are not permissible therein by them.

So far, four such Commissions have been constituted. The names of these Commissions, the year in which they were established and the name of the Act under which they were established are mentioned below in [Table 14.1](#).

Table 14.1 Delimitation Commissions Constituted So Far

<i>Delimitation Commission</i>	<i>Established in</i>	<i>Established under the Act</i>
First	1952	Delimitation Commission Act, 1952
Second	1963	Delimitation Commission Act, 1962
Third	1973	Delimitation Act, 1972
Fourth	2002	Delimitation Act, 2002

Constitutional Provisions

Articles 81, 82, 170, 330 and 332 of the Constitution of India deal with the delimitation of the Parliamentary and Assembly Constituencies. These Articles were amended by the 84th Constitutional Amendment Act of 2001 and the 87th Constitutional Amendment Act of 2003. The cumulative effect

of these two amendments to the Constitution is as follows:

- (i) the total number of existing seats as allocated to various states in the Lok Sabha on the basis of 1971 census shall remain unaltered till the first census to be taken after the year 2026
- (ii) the total number of existing seats in the Legislative Assemblies of all states as fixed on the basis of 1971 census shall also remain unaltered till the first census to be taken after the year 2026
- (iii) the number of seats to be reserved for the Scheduled Castes (SCs) and Scheduled Tribes (STs) in the Lok Sabha and State Legislative Assemblies shall be re-worked out on the basis of 2001 census
- (iv) each state shall be redelimited into territorial parliamentary and assembly constituencies on the basis of 2001 census and the extent of such constituencies as delimited now shall remain frozen till the first census to be taken after the year 2026 and
- (v) the constituencies shall be so re-delimited that population (on the basis of 2001 census) of each parliamentary and assembly constituency in a state shall, so far as practicable, be the same throughout the state.

Fourth Delimitation Commission

In pursuance of the above mentioned provisions of the Constitution, the Parliament enacted the Delimitation Act, 2002 and provided for the establishment of a Delimitation Commission. The Commission's task under the Constitution and the Delimitation Act of 2002 was to readjust the Parliamentary and Assembly constituencies in all the states of India (except the state of Jammu and Kashmir) on the basis of 2001 census.

The Fourth Delimitation Commission of 2002 was a three-member body. It consisted of the following:

- (i) The Chairperson who was to be either a serving or a retired judge of the Supreme Court
- (ii) The Chief Election Commissioner or an Election Commissioner nominated by the Chief Election Commissioner was an ex-officio member and
- (iii) The State Election Commissioner of concerned State or Union Territory was the other ex-officio member.

Additionally, the Commission had ten associate members in respect of each state. Out of them, five were members of the Lok Sabha elected from that state and another five were members of the State Legislative Assembly. Where the number of members of the Lok Sabha in a state was less than five, all such members were the associate members for that state. These associated members were nominated by the Speakers of the Lok Sabha and State Legislative Assemblies concerned. However, these associated members did not have the right to vote or to sign any order of the Commission.

Justice Kuldip Singh, a retired judge of the Supreme Court, was appointed as the Chairperson of the Commission.

Implementation of the Recommendations

The Commission submitted its recommendations to the Government in 2007. The President of India signed the notification for implementing the recommendations of the Commission in 2008, thereby

redefining Parliamentary and Assembly Constituencies.

The recommendations of the Commission are not applicable to five states i.e., Assam, Arunachal Pradesh, Manipur, Nagaland and Jharkhand. The Government of India deferred the delimitation exercise in the four north-eastern states and nullified the final order of the Commission for the state of Jharkhand.

The 2009 General Elections to the Lok Sabha for 499 out of 543 Parliamentary constituencies in all the states, National Capital Territory of Delhi and Union Territory of Puducherry (except Assam, Arunachal Pradesh, Manipur, Nagaland, Jharkhand and Jammu & Kashmir) were held on the basis of the newly delimited constituencies.

LAW COMMISSION OF INDIA

The Law Commission of India is a non-statutory advisory body. It is established by an order of the Central Government from time to time for a fixed tenure. Its function is to recommend the legislative measures for the purpose of consolidation and codification of laws. However, its recommendations are not binding on the government.

Historical Background

During the British regime, four Law Commissions were established in the 19th century. They made a significant contribution towards the enrichment of the Indian Statute Book. They recommended a variety of legislations on the pattern of the then prevailing English laws adopted to Indian conditions. The Indian Penal Code, the Criminal Procedure Code, the Civil Procedure Code, the Indian Contract Act, the Indian Evidence Act, the Transfer of Property Act and some other laws are the products of these four Commissions.

The names of these Commissions, the years in which they were constituted and the names of their Chairmen are mentioned in [Table 14.2](#).

Table 14.2 Pre-independence Law Commissions

<i>Name</i>	<i>Established in</i>	<i>Chairman</i>
First Law Commission	1834	Lord Macaulay
Second Law Commission	1853	Sir John Romilly
Third Law Commission	1861	Sir John Romilly
Fourth Law Commission	1879	Dr. Whitney Stokes

Commissions Constituted So Far

After Independence, the Constitution of India with separate chapters on Fundamental Rights and Directive Principles of State Policy gave a new direction to law reform in the country. Article 372 of the Constitution provides that the pre-Constitution laws shall remain in force until they are amended or repealed. However, there had been demands in Parliament and outside for the establishment of a new Law Commission to recommend the revision and updation of the outmoded and outdated laws to

serve the changing needs of the nation. The Government reacted favourably to this demand and established the First Law Commission of independent India in 1955. The term of this Commission was three years and it was headed by MC Setalvad, the then Attorney General of India.

Since then (1955), eighteen more Law Commissions have been constituted, each with a three-year term and with different terms of reference. The name of these Commissions, their duration and the name of their Chairmen are given in [Table 14.3](#).

Table 14.3 Law Commissions Appointed So Far

<i>Law Commission</i>	<i>Duration</i>	<i>Chairman</i>
First	1955–1958	M.C. Setalvad, Attorney-General
Second	1958–1961	Justice T V Venkatarama Aiyar
Third	1961–1964	Justice J L Kapur
Fourth	1964–1968	Justice J L Kapur
Fifth	1968–1971	K.V.K. Sundaram, I.C.S.
Sixth	1971–1974	Justice P B Gajendragadkar
Seventh	1974–1977	Justice P B Gajendragadkar
Eighth	1977–1979	Justice H R Khanna
Ninth	1979–1980	Justice P V Dixit
Tenth	1981–1985	Justice K K Mathew
Eleventh	1985–1988	Justice D A Desai
Twelfth	1988–1991	Justice M P Thakkar
Thirteenth	1991–1994	Justice K N Singh
Fourteenth	1995–1997	Justice K Jayachandra Reddy
Fifteenth	1997–2000	Justice B P Jeevan Reddy
Sixteenth	2000–2003	Justice B P Jeevan Reddy (2000–2001), Justice M Jagannadha Rao (2002–2003)
Seventeenth	2003–2006	Justice M Jagannadha Rao
Eighteenth	2006–2009	Justice M Jagannadha Rao (2006–2007), Justice A R Lakshmanan (2007–2009)
Nineteenth	2009–2012	Justice P Venkatarama Reddy
Twentieth	2012–2015	Justice D.K. Jain (2013–2013), Justice A.P. Shah (2013 – till date)

Composition of the Commission

The composition of the Commission is not fixed. It varies from one Commission to another. Generally, it consists of a Chairman, some full-time members, a member-secretary and some part-time members depending upon the nature of topics referred to it for consideration.

The Chairman and full-time members are either serving or retired judges of the Supreme Court or

High Courts, or legal experts, jurists or professors of law in any university of India.

The member-secretary belongs to the Indian Legal Service and holds the rank of either Additional Secretary or Secretary to the Government of India.

The part-time members are appointed from among the eminent members of the bar or eminent scholars in the academic field or persons having specialised knowledge in a particular branch of law.

The Commission's regular staff consists of about a dozen research personnel of different ranks and varied experiences. A small group of secretarial staff looks after the administration side of the Commission's operations.

Working of the Commission

The working of the Commission consists of the following stages:

- (1) The projects undertaken by the Commission are initiated in its meetings.
- (2) Priorities are discussed, topics are identified and preparatory work is assigned to the members.
- (3) Different methodologies for collection of data and research are adopted keeping in view the scope of the proposed reform.
- (4) A working paper, outlining the problem and suggesting matters deserving reform, emerges as the outcome.
- (5) This paper is sent out for circulation in the public and concerned interest groups with a view to eliciting reactions and suggestions.
- (6) Responses are evaluated and the information is organised for proper incorporation in the report.
- (7) The report is subjected to close scrutiny by the full Commission in prolonged meetings for its finalisation.
- (8) The final report is forwarded to the Government (Ministry of Law and Justice).

The reports of the Commission are considered by the Ministry of Law and Justice in consultation with the concerned administrative ministries and are submitted to Parliament from time to time.

Till April 2014, the Commission submitted 244 reports on different subjects.

NORTH EASTERN COUNCIL

Establishment of the Council

The North Eastern Council is a statutory (and not a constitutional) advisory body. It was established in the year 1972 through an Act of Parliament, namely, the North Eastern Council Act, 1971. This Act was amended in 2002.

The Council consists of eight member states of the North Eastern Region, viz., Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura. In 2002, Sikkim became the eighth member state of the Council. The Secretariat (Headquarters) of the Council is located at Shillong, Meghalaya.

The Council was set-up for securing balanced development of the North Eastern Region, for effecting better inter-state coordination, and for maintaining security and public order in the region.

By virtue of the 2002 Amendment, the Council has been made the Regional Planning Body for the north eastern region.

The Council operates under the administrative control of the Union Ministry of Development of the North Eastern Region (DONER).

Composition of the Council

The Council consists of the following members:

- (1) The Governors of the eight member states
- (2) The Chief Ministers of the eight member states; however, if there is no Council of Ministers in any of these eight states, then the President may nominate one person to represent that state in the Council for so long as there is no Council of Ministers in that state
- (3) Three members are to be nominated by the President of India to the Council
- (4) The President of India may, if deemed necessary, nominate a Union Minister to be a member of the Council
- (5) The President of India nominates the Chairman of the Council
- (6) The President of India may, if deemed necessary, nominate another member of the Council to act as Vice Chairman of the Council.

Functions of the Council

The functions of the Council are as follows:

1. The Council shall function as a regional planning body for the north-eastern area.
2. While formulating the regional plans for the north-eastern area, the Council shall give priority to schemes and projects which will benefit two or more states. However, in case of Sikkim, the Council shall formulate specific projects and schemes for that state including the review of implementation of such projects and schemes.
3. The Council shall review, from time to time, the implementation of the projects and schemes included in the regional plan and recommend measures for effecting co-ordination among the Governments of the states concerned in the matter of implementation of such projects and schemes.
4. Where a project or scheme is intended to benefit two or more states, the Council shall recommend the manner in which
 - (i) such project or scheme may be executed or implemented and managed or maintained or
 - (ii) the benefits therefrom may be shared or
 - (iii) the expenditure thereon may be incurred.
5. The Council shall review, from time to time, the measures taken by the member states for the maintenance of security and public order in the region and recommend to the governments of the states concerned further measures necessary in this regard.
6. The Council shall have such power as may be delegated to it by the Central Government.

Revitalisation of the Council

In 2003, the Ministry of DONER had, as a follow-up to the 2002 Amendment, constituted the North

Eastern Council Revitalisation Committee to suggest measures to operationalise the revised mandate of NEC as a Regional Planning Body and to revitalise it. The Committee submitted its report to the Government in 2004.

The recommendations of the Committee related to the following matters:

1. Composition of the NEC
2. Strengthening/restructuring of organisational set up of the NEC Secretariat
3. Setting up of sectoral empowered committees
4. Measures for regional planning for sustainable growth and development
5. Financing of the regional plan from GBS (Gross Budgetary Support) in place of the NLCPR (Non Lapsable Central Pool of Resources)
6. Measures for implementation of the regional plan
7. Monitoring and evaluation of development projects
8. Role of NEC in border trade
9. Operationalising NEC's mandate relating to security and public order.

The Government of India accepted most of the recommendations of the Committee. Accordingly, Minister of DONER has been nominated the Chairman of the NEC. Similarly, three members have been nominated to the NEC. The Member (North-East), Planning Commission, has been nominated one of the members of NEC. The nomination of the remaining two members would be based on their experience of north-eastern region and expertise in socio-economic planning. The nominated members are given the same status, terms and emoluments as that of the members of the Planning Commission.

For the implementation of the other accepted recommendations, the Secretary of NEC has been requested to take necessary follow up action.

STAFF SELECTION COMMISSION

The Union Public Service Commission (UPSC) and the Staff Selection Commission (SSC) are the two main recruitment agencies of the Central Government. The UPSC recruits to higher services, while the SSC to middle and lower services. Further, the UPSC is a constitutional body, while the SSC is a non-constitutional body.

Establishment of the Commission

Under the Constitution, the examinations for recruitment to all posts and services of the Central Government are required to be conducted by the UPSC. However, the Estimates Committee of Parliament in 1968 recommended the establishment of a Service Selection Commission for taking over recruitment to lower category of posts from the UPSC. Pursuant to this, and as an interim measure, an Examination Wing was created in the Institute of Secretariat Training and Management (ISTM), New Delhi.

Subsequently, the Administrative Reforms Commission of India (ARC) in 1969 observed that the bulk of the staff of the Central Government belonged to Class III (Group C) and Class IV (Group D) categories. It also recognised the identical nature of qualifications stipulated for entry into such posts in various offices. Hence, it advocated the pooling of requirements of non-technical posts by different

departments and selection of personnel either by joint recruitment or through a recruitment board. This recommendation was accepted by the Government of India.

Accordingly, the Subordinate Services Commission was established in 1975 by an executive resolution of the Central Government. Later in 1977, this Commission was renamed Staff Selection Commission (SSC).

The SSC enjoys the status of an attached office of the Department of Personnel and Training (DoPT) and acts as an advisory body.

Functions of the Commission

The functions of the SSC have been enlarged from time to time. At present, it recruits to Group 'C' (non-technical) and Group 'B' (non-gazetted—both technical and non-technical) posts in the various ministries and departments of the Central Government and their attached and subordinate offices, except those for which recruitment is made by the railway recruitment boards and industrial establishments. Thus, the SSC is a centralised agency responsible for recruiting personnel to lower and middle services of the Central Government.

In more detail, the functions of the SSC are:

1. To make recruitment to:
 - (i) all Group "B" non-gazetted posts carrying the pay scale up to ₹ 6,500-10,500 (pre-revised) in the various ministries/departments of the Government of India and their attached and subordinate offices; and
 - (ii) all non-technical Group "C" posts in the various ministries/departments of the Government of India and their attached and subordinate offices, except those posts which are specifically exempted from its purview
2. To conduct examinations and/or interviews for recruitment to the posts within its purview.
3. In particular, to hold competitive examinations for recruitment to:
 - (i) the posts of lower division clerks in various ministries/departments, attached and subordinate offices of the Government of India including those participating in the Central Secretariat Clerical Service/Indian Foreign Service (B)/Railway Board Secretariat Clerical Service and the Armed Forces Headquarters Clerical Service
 - (ii) the posts of Grade "C" and Grade "D" stenographers of the Central Secretariat Stenographers Service and equivalent grades of Indian Foreign Service (B)/Railway Board Secretariat Stenographers Service/Armed Forces Headquarters Stenographers Service and the posts of stenographers in other departments including attached and subordinate offices of the Government of India not participating in the aforesaid services
 - (iii) the posts of assistants in the various Ministries/Departments including attached and subordinate offices of the Government of India including those participating in the Central Secretariat Service/Indian Foreign Service (B)/Railway Board Secretariat Service/Armed Forces Headquarters Civil Service
 - (iv) the posts of inspectors of Central Excise in different collectorates of Central Excise, inspectors of income-tax in different charges of the Commissioners of Income-Tax, preventive officers and examiners in different custom houses and assistant enforcement officers in Directorate of Enforcement
 - (v) the posts of sub-inspectors in Central Bureau of Investigation and central police

organisations;

- (vi) the posts of divisional accountants, auditors and accountants under the office of Comptroller and Auditor-General of India and other accounts departments and upper division clerks in attached/subordinate offices of the Government of India
 - (vii) the posts of junior hindi translators/junior translators in Government of India
 - (viii) the posts of section officer (commercial audit) in the office of Comptroller and Auditor-General of India
 - (ix) the posts of section officer (audit) in Government of India
 - (x) the posts of investigators in Government of India
 - (xi) the posts of junior engineers (civil and electrical) in Central Public Works Department (CPWD) of Government of India, and
 - (xii) the posts of tax assistants in different charges of Commissioner of Income Tax/Central Excise.
4. To hold departmental examinations for
- (i) promotion from Group “D” to lower division clerk grade of the Central Secretariat Clerical Service and equivalent grades in Indian Foreign Service (B) / Railway Board Secretariat Clerical Service/ Armed Forces Headquarters Clerical Service
 - (ii) promotion from lower division clerks to upper division clerks grade of the Central Secretariat Clerical Service and equivalent in Indian Foreign Service (B)/Railway Board Secretariat Clerical Service/Armed Forces Headquarters Clerical Service, and
 - (iii) promotion from stenographers Grade “D” to stenographers Grade “C” of the Central Secretariat Stenographers Service and equivalent grades in Indian Foreign Service (B)/Railway Board Secretariat Stenographers Service/Armed Forces Headquarters Stenographers Service.
5. To conduct periodical typewriting test in English and Hindi.
6. To conduct periodical stenography test for promotion of LDCs/UDCs to Stenographer Grade ‘D’.
7. To perform such other functions as may be entrusted to it by the Central Government from time to time.

Organisation of the Commission

The SSC consists of a Chairman, two members and a Secretary-cum-Controller of Examinations. The tenure of Chairman and members is for five years or till they attain the age of 62 years, whichever is earlier. They are appointed by the Central Government. Their service conditions are also prescribed by the Central Government.

The SSC has its headquarters at New Delhi and a regional network of its own. At present, it has seven regional offices and two sub-regional offices in different parts of the country. It may open more regional/sub-regional offices with the approval of the DoPT.

The regional/sub-regional offices implement the policies and programmes formulated at the headquarters. Their activities include holding of examinations at various centres of the country with the help of the state government authorities, conducting interviews of candidates in regions and nominating the selected candidates to the user departments. Thus, they provide administrative support to the headquarters in the discharge of its duties and responsibilities.

The name of the regions/sub-regions, the location of their offices, the year of their establishment and their operative jurisdiction are mentioned in [Table 14.4](#).

Table 14.4 Regional and Sub-Regional Offices of the SSC

<i>Name</i>	<i>Location</i>	<i>Established in</i>	<i>States/UTs Covered</i>
I. Regional Offices			
1. Northern Region	New Delhi	1976	Rajasthan, Uttarakhand and Delhi
2. Central Region	Allahabad	1977	Uttar Pradesh and Bihar
3. Eastern Region	Kolkata	1977	Orissa, West Bengal, Jharkhand, Sikkim and Andaman & Nicobar Islands
4. North-Eastern Region	Guwahati	1981	Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura
5. Western Region	Mumbai	1978	Gujarat, Maharashtra, Goa, Daman & Diu and Dadra & Nagar Haveli
6. Southern Region	Chennai	1977	Andhra Pradesh, Tamil Nadu and Puducherry
7. Karnataka-Kerala Region	Bengaluru	1990	Karnataka, Kerala and Lakshadweep
II. Sub-Regional Offices			
1. Madhya Pradesh Sub-Region	Raipur	1980	Madhya Pradesh and Chhattisgarh
2. North-Western Sub-Region	Chandigarh	1996	Jammu & Kashmir, Himachal Pradesh, Haryana, Punjab and Chandigarh

NATIONAL WATER RESOURCES COUNCIL

The National Water Resources Council (NWRC) was set up by the Government of India in 1983. The Prime Minister is the Chairman, the Union Minister of Water Resources is the Vice-chairman, and Minister of State for Water Resources, concerned Union Ministers/Ministers of State, Chief Ministers of all States and Lieutenant Governors/Administrators of the Union Territories are the members. The Secretary of Ministry of Water Resources is the Secretary of the Council.

The Government of India constituted a National Water Board (NWB) in 1990, under the Chairmanship of Secretary of Ministry of Water Resources, to review the progress achieved in implementation of the National Water Policy and to report the progress to the National Water Resources Council from time to time. The Secretaries of Union Ministries of Agriculture, Rural Development, Urban Development, Surface Transport, Environment & Forests, Planning and Science & Technology, Chairman of Central Water Commission, Chief Secretaries of all States/Union Territories are its members and a member (Water Planning & Projects) of Central Water Commission is the Member Secretary.

The Central Water Commission (CWC) is a premier technical organisation of India in the field of water resources since 1945. The Commission is entrusted with the general responsibilities of initiating, coordinating and furthering schemes for control, conservation and utilisation of water resources throughout the country, for purposes of flood control, irrigation, navigation, drinking water supply and hydro power development. It also undertakes the investigation, construction and execution of any such schemes as required.

NATIONAL SKILL DEVELOPMENT COUNCIL

The National Council on skill development was set up in 2008, under the Chairmanship of Prime Minister, as an apex institution for policy direction and review. The Ministers for Human Resource Development, Finance, Industries, Rural Development, Housing and Urban Poverty Alleviation, Labour and Employment and Micro, Small & Medium Enterprises are its members. The Deputy Chairman of the Planning Commission, Chairperson of the National Manufacturing Competitiveness Council, Chairperson of the National Skill Development Corporation and six experts in the area of skill development are its other members.

The Council is at the apex of a three-tier structure and is concerned with vision setting and laying down core strategies. The Council is assisted by the National Skill Development Coordination Board

which coordinates action for skill development both in the public and the private sector.

To promote private sector action for skill development, an institutional arrangement in the form of a non-profit corporation called the National Skill Development Corporation was set up by the Ministry of Finance.

CENTRAL ADVISORY BOARD OF EDUCATION

The Central Advisory Board of Education (CABE), the highest advisory body to advise the Central and state governments in the field of education, was first established in 1920 and dissolved in 1923 as a measure of economy. It was revived in 1935 and continued to exist till 1994.

Despite the fact that in the past, important decisions had been taken on the advice of CABE and it had provided a forum for widespread consultation and examination of issues relating to educational and cultural development, it was unfortunately not reconstituted after the expiry of its extended tenure in 1994.

The National Policy on Education, 1986 (as modified in 1992) envisages that the CABE will play a pivotal role in reviewing educational development, determining the changes required to improve the system and monitoring implementation, and will function through appropriate mechanisms created to ensure contact with, and coordination among, the various areas of human resource development. Accordingly, the CABE has since been reconstituted by the Government in 2004.

The CABE consists of nominated members representing various interests in addition to elected members from the Lok Sabha and the Rajya Sabha, and the representatives of the Government of India, state governments and UT Administrations.

COUNCIL FOR ADVANCEMENT OF PEOPLE'S ACTION AND RURAL TECHNOLOGY

The Council for Advancement of People's Action and Rural Technology (CAPART) was set up in the year 1986 by merging the People's Action for Development (India) (PADI) and the Council for Advancement of Rural Technology (CART). The vision of the Council is to play a dynamic and catalytic role with the various governmental agencies and Voluntary Organisations (VOs), influence public policy and contribute its share towards the many-sided development of rural India. The mission of the Council is to work in close coordination with rural VOs and empower them.

The CAPART is an autonomous body working under the aegis of the Ministry of Rural Development. The minister for Rural Development is the President of CAPART. It aims at supplementing Government efforts in the field of rural development by way of assisting registered non-governmental organisations (NGOs) for implementing rural development projects for upliftment of the rural masses. It works in the project mode and has been sanctioning projects to the NGOs under the following schemes:

1. Public Cooperation Scheme
2. Organisation of Beneficiaries Scheme
3. Advancement of Rural Technology Scheme
4. Disability Rehabilitation Scheme

5. Young Professional Scheme
6. Marketing of Rural Products Scheme

NATIONAL COMMISSION ON POPULATION

The National Commission on Population was constituted in May 2000 to review, monitor and give direction for the implementation of the National Population Policy (NPP), 2000 with a view to meeting the goals set out in the Policy, to promote inter-sectoral coordination, involve the civil society in planning and implementation, facilitate initiatives to improve performance in the demographically weaker states in the country and to explore the possibilities of international cooperation in support of the goals set out in the policy.

In the first meeting of the Commission, the then Prime Minister had announced the formation of an Empowered Action Group within the Ministry of Health and Family Welfare for paying focused attention to states with deficient national socio-demographic indices and establishment of National Population Stabilisation Fund to provide a window for canalising monies from national voluntary sources to specific aid projects designed to contribute to population stabilisation.

The Commission was reconstituted in April, 2005 with 40 members under the Chairmanship of the Prime Minister. The Minister of Health and Family Welfare and the Deputy Chairman of the Planning Commission are Vice Chairmen of the Commission. The present membership also includes the Chief Ministers of the states of Uttar Pradesh, Madhya Pradesh, Rajasthan, Bihar, Jharkhand, Kerala and Tamil Nadu.

STAFF INSPECTION UNIT

The Staff Inspection Unit (SIU) was set up in the year 1964 with the objective of securing economy in the staffing of government organisations consistent with administrative efficiency and evolving performance standards and work norms. The SIU operates under the Department of Expenditure in the Ministry of Finance.

Scientific and technical organisations are not within the purview of the SIU but a committee constituted by the Head of the respective department, with a representative from SIU as a core Member, conducts study of such organisations.

In the changed scenario, and keeping in view the Government emphasis on better governance and improved delivery of services, the role of SIU has been re-defined. The SIU has been positioned to act as catalyst in assisting the line ministries and autonomous organisations in improving their organisational effectiveness.

As per the expanded mandate, in addition to its existing role, SIU would now also undertake organisational analysis primarily to cover the areas of organisational systems, financial management systems, delivery systems, client-customer satisfaction, employees' concerns etc., and suggest appropriate organisational structure, re-engineering of processes, measures to ensure optimum utilisation of resources and overcome delays besides exploring the possibilities of outsourcing some of the activities with a view to achieve enhanced output/effectiveness with only the minimum essential expenditure.

OFFICE OF THE CHIEF ADVISER COST

The Office of the Chief Adviser Cost (CAC) is one of the divisions functioning in the Department of Expenditure, Ministry of Finance. The office is responsible for advising the ministries and government undertakings on cost accounts matters and to undertake cost investigation work on their behalf. It is a professional agency staffed by cost/chartered accountants.

The office is dealing with matters relating to costing and pricing, industry level studies for determining fair prices, studies on user charges, central excise abatement matters, cost-benefit analysis of projects, studies on cost reduction, cost efficiency, appraisal of capital intensive projects, profitability analysis and application of modern management tools evolving cost and commercial financial accounting for ministries/departments of Government of India.

The office was set up as an independent agency of the Central Government to verify the cost of production and to determine the fair selling price for Government departments including defence purchases in respect of the cases referred to. The role of the office was further enlarged and extended to fixing prices for a number of products covered under the Essential Commodities Act, such as, petroleum, steel, coal, cement, etc. under the Administered Price Mechanism (APM).

The office is also the cadre controlling office for the Indian Cost Accounts Service (ICoAS) and looks after training requirements of the officers for continuous up-gradation of their knowledge and skills.

OFFICE OF THE PRINCIPAL SCIENTIFIC ADVISER

The Principal Scientific Adviser to the Government of India (PSA to GOI) is primarily responsible for:

1. Evolving policies, strategies and missions for generation of innovations and support systems for multiple applications
2. Generating science and technology tasks in strategic, economic and social sectors in partnership with Government departments, institutions and industry.

The tasks of the Office of the Principal Scientific Adviser to the Government of India (PSA's Office), therefore, involve creation of missions and also undertaking of multi-departmental, multi-institutional projects in strategic, technological and other areas of economic/social relevance.

The PSA's Office tries to establish synergy among Government departments, academic institutions and industry. This synergy is required because, though the scientific business of the Government is divided amongst various departments, there are some areas which fall into nobody's domain and there are certain areas which fall into domains of many Ministries/Departments.

The PSA to GOI is also Chairman, ex-officio, of the Scientific Advisory Committee to the Cabinet (SAC-C) and thus the Office of the Principal Scientific Adviser to the Government of India (PSA's Office) also serves as the Secretariat to the SAC-C.

KHADI AND VILLAGE INDUSTRIES COMMISSION

The Khadi and Village Industries Commission (KVIC) is a statutory body established by an Act of Parliament in 1957. It took over the work of former All India Khadi and Village Industries Board.

The objectives of the KVIC are:

1. The social objective of providing employment
2. The economic objective of producing saleable articles
3. The wider objective of creating self-reliance amongst the poor and building up of a strong rural community spirit

The KVIC is charged with the planning, promotion, organisation and implementation of programs for the development of khadi and other village industries in the rural areas in coordination with other agencies engaged in rural development.

The functions of KVIC also comprise building up of a reserve of raw materials and implements for supply to producers, creation of common service facilities for processing of raw materials as semi-finished goods and provisions of facilities for marketing of KVI products apart from organisation of training of artisans engaged in these industries and encouragement of co-operative efforts amongst them. To promote the sale and marketing of khadi and/or products of village industries or handicrafts, the KVIC forges linkages with established marketing agencies.

CENTRAL BOARD OF DIRECT TAXES

Since 1964, the Central Board of Direct Taxes (CBDT) has been charged with all matters relating to various direct taxes in India and it derives its authority from Central Board of Revenue Act, 1963. The CBDT is a part of Department of Revenue in the Ministry of Finance. On one hand, CBDT provides essential inputs for policy and planning of direct taxes in India, at same time it is also responsible for administration of direct tax laws through Income Tax Department.

The Chairman, who is also an ex-officio Special Secretary to Government of India, heads the CBDT. In addition, CBDT has six members, who are ex-officio Additional Secretaries to Government of India. The Chairman and Members of CBDT are selected from Indian Revenue Service (IRS), a premier civil service of India, whose members constitute the top management of Income Tax Department. The support staff for CBDT is drawn from IRS as well as other premier civil services of the country.

Various Chief Commissioners of Income Tax stationed all over the country supervise collection of direct taxes and provide taxpayer services. The Director General of Income Tax (Investigation) supervises the investigation machinery, which is tasked to curb tax evasion and unearth unaccounted money. The DGIT (Exemptions) supervise the work of exemption and the DGIT (International Taxation) supervise the work in the field of international tax and transfer pricing.

CENTRAL BOARD OF EXCISE AND CUSTOMS

The Central Board of Excise and Customs (CBEC) deals with the tasks of formulation of policy concerning levy and collection of Customs and Central Excise duties, Service Tax, prevention of smuggling and evasion of duties, and all administrative matters relating to Customs, Central Excise and Service Tax formations.

The CBEC discharges its assigned tasks with the help of its field formations namely, the Zones of Customs and Central Excise, Commissionerates of Customs, Central Excise and Service Tax and the Directorates.

The CBEC is a statutory body constituted under the Central Board of Revenue Act, 1963. It is a part of the Department of Revenue in the Ministry of Finance.

The CBEC consists of a Chairman and five members. The Chairman is also an ex-officio Special Secretary to the Government of India.

CUSTODIAN OF ENEMY PROPERTY FOR INDIA

The work relating to Enemy Property, which was earlier under the Ministry of Commerce, was transferred to Ministry of Home Affairs in the year 2007.

The Office of the Custodian of Enemy Property for India is presently functioning under the provisions contained in the Enemy Property Act, 1968 which was enacted for continued vesting to preserve and manage the Enemy Property vested in the Custodian of Enemy Property for India. Under the Act, all immovable and movable properties all over India belonging to, or held by, or managed, on behalf of Pakistan nationals between the period from September 10, 1965 to September 26, 1977, are vested in Custodian of Enemy Property for India.

The Office of the Custodian of Enemy Property for India is located in Mumbai with a branch office at Kolkata. Presently, the Custodian is managing 2,049 immovable properties like lands, buildings, etc., and movable property like securities, shares, debentures, bank balances, fixed deposits and other amounts lying in the enemy nationals bank accounts, provident fund balances, etc. In addition, the Custodian is also managing two banks, viz., Habib Bank and National Bank of Pakistan.

REGISTRAR GENERAL AND CENSUS COMMISSIONER OF INDIA

The Office of the Registrar General and Census Commissioner of India (ORG & CCI) is in-charge of planning, coordination and supervision of the decennial Housing and Population Census,

tabulation/compilation and dissemination of census results under the provisions of the Census Act, 1948 and the Census (Amendment) Act, 1993. Besides, this office is responsible for overall implementation of the Registration of Births and Deaths Act, 1969 in the country and compilation of data of vital statistics on births and deaths.

The ORG & CCI separately bring out estimates of fertility and mortality at the national and state level through a well represented sample under the Sample Registration System (SRS).

Since 2003, the ORG & CCI has also been functioning as National Registration Authority and Registrar General of Citizen Registration under the Citizenship (Amendment) Act, 2003.

The ORG & CCI has now been assigned an additional task of conducting the Annual Health Survey (AHS) at the behest of Ministry of Health and Family Welfare to yield benchmarks of core vital and health indicators at the district level.

It may be of historical interest that though the population census of India is a major administrative function, the Census Organisation was set up on an ad-hoc basis for each census till the 1951 census. The Census Act was enacted in 1948 to provide for the scheme of conducting population census with duties and responsibilities of census officers. The Government of India decided in 1949 to initiate steps for developing systematic collection of statistics on the size of population, its growth, etc., and established an organisation in the Ministry of Home Affairs under Registrar General and Census Commissioner of India.

MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE ACT

The Ministry of Rural Development is the nodal Ministry for implementing the *Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)*. This flagship programme of the Government of India touches the lives of the rural poor and promotes inclusive growth.

Objectives

The MGNREGA with its legal framework and rights-based approach was notified in the year 2005. It aims at enhancing livelihood security by providing at least 100 days of guaranteed wage employment in a financial year to every rural household whose adult members volunteer to do unskilled manual work. The Act covered 200 districts in its first phase, and was extended to all the rural districts of the country in phases.

The MGNREGA is the first ever law, internationally, that guarantees wage employment at an unprecedented scale. The primary objective of the Act is meeting the demand for wage employment in rural areas. The works permitted under the Act address causes of chronic poverty like drought, deforestation and soil erosion, so that the employment generation is sustainable. The Act is also a significant vehicle for strengthening decentralisation and for deepening the processes of democracy by giving a pivotal role to local governance bodies, that is, the Panchayati Raj Institutions.

Features

The salient features of the Act are as follows:

1. **Rights-based Framework** For adult members of a rural household willing to do unskilled manual work.
2. **Time-bound Guarantee** Fifteen days for provision of employment, else unemployment allowance to be paid.
3. **Guaranteed Employment** Upto 100 days of guaranteed wage employment in a financial year per household, depending on the actual demand.
4. **Labour-intensive Works** 60 : 40 wage and material ratio for permissible works at the Gram Panchayat; no contractors/machinery.
5. **Decentralised Planning** In this context, the following points can be noted:

- (i) Gram Sabhas to recommend works
 - (ii) At least 50% of works by Gram Panchayats for execution
 - (iii) Principal role of PRIs in planning, implementation and monitoring
6. **Work-site facilities** Crèche, drinking water, first aid and shade provided at work sites.
 7. **Women empowerment** At least one-third of beneficiaries should be women.
 8. **Transparency and Accountability** Proactive disclosure through wall writings, citizen information boards and Management Information System (MIS) and Social Audits.
 9. **Funding** Hundred per cent cost towards unskilled wages and 75% towards skilled, semi-skilled and material is borne by the Central Government and 25% of skilled, semi-skilled and material costs is contributed by states. In addition, 6% administrative expenses are borne by the Centre for effective implementation of the Act.

Recent Initiatives

Over the last few years, based on reports from the field and research inputs on implementation issues and challenges, the Ministry has taken the following initiatives to strengthen the programme implementation at grass-root level:

1. The Fourth edition of MGNREGA Operational Guidelines, 2013 was been released in February 2013. The revised guidelines have attempted to meet important implementation challenges, viz., accurate capturing of demand for the scheme, delays in wage payment, issues of transparency and accountability.
2. The list of permissible works under MGNREGA was expanded in May 2012 to:
 - (i) strengthen the synergy between MGNREGA and rural livelihoods, particularly agriculture, and create durable quality assets;
 - (ii) respond to the demands of states for greater location-specific flexibility in permissible works;
 - (iii) help improve the health and ecological situation in rural India, with particular focus on sanitation.
3. The contribution from MGNREGA for construction of individual toilets under Total Sanitation Campaign, now renamed as Nirmal Bharat Abhiyan, has been increased to ₹4500 from ₹1200.
4. Appointment of Ombudsman at district level for expeditious redressal of grievances on implementation of MGNREGA.
5. **Social Audits** The MGNREG Act requires that Gram Sabhas shall monitor the execution of works within the Gram Panchayat (GP). The Gram Sabha shall conduct regular social audits of all projects taken up under the scheme within the GP. Social Audit is not only a management tool but also a platform for public and primary stakeholders of MGNREGA to scrutinise the resources (both financial and non-financial) used for development initiatives. The MGNREGA Audit of Schemes Rules 2011 clearly provide that Social Audit Unit shall facilitate conduct of Social Audit of the works taken up under the Act in every GP at least once every six months in the manner prescribed under the rules.
6. **Grievance Redressal** To effectively address issues of concern on implementation of the MGNREGA and leakages in the Scheme, the Ministry has formulated the Standard Operating Procedure (SOP) for redressing complaints. This was realised during September 2012. The

new mechanism delineates procedures for managing various types of complaints that will streamline the redressal procedures.

7. **CAG Audit** Performance audit of MGNREGA by the Comptroller and Auditor General (CAG) is in progress and detailed report is expected soon.
8. **CA Audit at GP Level** The objective is to make certification of MGNREGA accounts at the GP level by chartered accountants compulsory over time, starting with 10% GPs in the identified highest spending district in each state in 2012–13.

New Guidelines

The highlights of the Fourth Edition MGNREGA Operational Guidelines, 2013 are mentioned below:

1. Constitution of Cluster Facilitation Teams (CFTs), State Employment Guarantee Mission and Management Team and National Management Team.
2. Dedicated Programme Officers (PO): Blocks that have high concentration of SC/ST/landless labourers and are likely to have more demand for MGNREGA works should have a dedicated PO for MGNREGA. The dedicated PO should not be assigned responsibilities not directly related to MGNREGA.
3. Register applications for work through telephones including mobile phones and this should feed in directly into NREGASoft. Ensuring convenience to illiterate workers through Interactive Voice Response System (IVRS) and voice-enabled interactions.
4. Network of Capacity Building Institutions for building the capacity of MGNREGA functionaries.
5. Baseline survey to assess quantum and timing of demand for work.
6. Habitation level as the unit of planning and identification of project.
7. Priority of works to be decided by Gram Panchayat in meetings of the Gram Sabha and the Ward Sabha.
8. The 60 : 40 ratio for wage and material costs should be maintained at GP level for all works to be taken up by GP and for works to be taken by all other agencies it should be maintained at the Block/Intermediate Panchayat level.

AAJEEVIKA (NATIONAL RURAL LIVELIHOODS MISSION)

The Swarnjayanti Gram Swarozgar Yojana (SGSY) was launched in 1999 as an integrated programme for self-employment of the rural poor. Later, the SGSY has been restructured as National Rural Livelihoods Mission (NRLM), subsequently renamed as “Aajeevika”, to implement it in a mission mode across the country. The programme was formally launched in 2011.

The NRLM aims at reducing poverty by enabling poor households to access gainful self-employment and skilled wage employment opportunities. This should result in appreciable improvement in their livelihoods on a sustainable basis, through building strong and sustainable grassroots institutions of the poor.

The NRLM implementation is in a Mission Mode. This enables: (a) shift from the present allocation based strategy to a demand-driven strategy, enabling the states to formulate their own livelihoods-based poverty reduction action plans, (b) focus on targets, outcomes and time bound

delivery, (c) continuous capacity building, imparting requisite skills and creating linkages with livelihoods opportunities for the poor, including those emerging in the organised sector, and (d) monitoring against targets of poverty outcomes.

The salient features of NRLM (Aajeevika) are mentioned below:

1. **Universal Social Mobilisation** NRLM follows a saturation approach by ensuring that at least one woman member from each identified rural poor household is brought under the Self Help Group (SHG) network in a time-bound manner. Aajeevika ensures adequate coverage of vulnerable sections of the society such that 50% of the beneficiaries are SC/STs, 15% are minorities and 3% are persons with disability, while keeping in view the ultimate target of 100% coverage of BPL families.
2. **Promotion of Institutions of the Poor** Strong quality institutions of the poor such as SHGs and their federations are set up on priority. They empower the poor and acts as instruments of knowledge and technology dissemination, and hubs of production, collectivisation and commerce.
3. **Training, Capacity Building and Skill Building** Aajeevika ensures the poor are provided with the requisite skills for managing their institutions, linking up with markets, managing their existing livelihoods, enhancing their credit absorption capacity and credit worthiness. A multi-pronged approach is adopted for providing continuous capacity building of the targeted families, SHGs, their federations, government functionaries, bankers, NGOs and other key stakeholders.
4. **Revolving Fund and Capital Subsidy** Subsidy is made available in the form of revolving fund and capital subsidy. Revolving Fund is provided to the SHGs (where more than 70% members are from BPL households) as an incentive to inculcate the habit of thrift and accumulate their own funds towards meeting their credit needs in the long run and immediate consumption needs in the short run.
5. **Universal Financial Inclusion** Aajeevika works on both demand and supply side of financial inclusion. On the demand side, it promotes financial literacy among the poor and provides catalytic capital to the SHGs and their federations. On the supply side, it coordinates with the financial sector and encourage use of Information, Communication & Technology (ICT) based financial technologies, business correspondents and community facilitators like 'Bank Mitras'.
6. **Provision of Interest Subsidy** To ensure affordable credit for the rural poor, Aajeevika has made a provision for subsidy on interest rate above 7% per annum for all eligible SHGs, who have availed loans from mainstream financial institutions, based on prompt loan repayment.
7. **Infrastructure Creation and Marketing Support** Aajeevika ensures that the infrastructure needs for the major livelihoods activities of the poor are met with. It also provides support for marketing to the institutions of the poor.
8. **Skills and Placement Projects** Scale up of existing skills and placement projects through partnership mode as one of the best investments in youth, and provide impetus to livelihoods opportunities in emerging markets. For strengthening this, various models of partnerships with public, private, non-government and community organisations would be developed.
9. **Rural Self Employment Training Institutes (RSETIs)** Aajeevika encourages public sector banks to set up RSETIs in all districts of the country. RSETIs transform unemployed rural youth in the district into confident self-employed entrepreneurs through need-based

- experiential training program followed by systematic handholding support and bank linkage.
10. **Funding Pattern** Aajeevika is a centrally sponsored scheme and the financing of the programme would be shared between the Centre and the states in the ratio of 75 : 25 (90 : 10 in case of north-eastern states including Sikkim; completely from the Centre in case of UTs).
 11. **Mahila Kisan Sashaktikaran Pariyojana** The Mahila Kisan Sashktikaran Pariyojana (MKSP) was launched in 2010–11 as a sub component in Aajeevika, in order to improve the present status of women in agriculture and enhance the opportunities for empowerment. MKSP was initiated for livelihood enhancement and vulnerability reduction interventions across the country. MKSP recognises the centrality of women in agriculture and therefore aims to provide direct and indirect support to enable them to achieve sustainable agriculture production.
 12. **Himayat** The Ministry of Rural Development is also implementing a new scheme under Aajeevika titled “Skill Empowerment and Employment in J&K” (see J&K) – “Himayat”. This is a training-cum-placement programme developed and initiated by the Ministry of Rural Development as a special scheme to address the needs and aspirations of the unemployed youth in Jammu and Kashmir.

INDIRA AWAS YOJANA

The Indira Awas Yojana (IAY) was launched in 1985 to meet the housing needs of the rural poor. The salient features of the scheme are as follows:

1. **Target Group** The IAY is a public housing scheme for the houseless poor families and those living in dilapidated and *kutcha* houses with a component for providing house sites to the landless poor as well. The scheme is designed to enable Below Poverty Line (BPL) households to build their houses or get house sites with financial and technical assistance from the government.
2. **Components of the Scheme** The IAY has the following three components:
 - (i) Assistance for construction of a new house
 - (ii) Upgradation of *kutcha* or dilapidated houses
 - (iii) Provision of house sites

Under IAY, with effect from 2013, a shelterless BPL family is given assistance of ₹70,000 in plain areas and ₹75,000 in hilly/difficult areas/IAP (Integrated Action Plan) districts. Assistance for purchase of house sites has been fixed at ₹20,000.
3. **Funding Pattern** The cost of the scheme except the component for provision of house sites is shared between Government of India and state governments in the ratio of 75 : 25. In the case of north-eastern states, the ratio is 90 : 10. The cost of providing house sites is shared 50 : 50 between Government of India and state governments. The Government of India provides the full cost in respect of Union Territories (UTs).
4. **Earmarking of Funds** At the national level, 60% of the funds are earmarked for SCs and STs with the proportion between SCs and STs being decided from time to time by the Ministry of Rural Development and reflected in the targets. Further, 15% of the funds are set apart for beneficiaries from among the minorities. The state should ensure that atleast 3% of beneficiaries are from among persons with disabilities.

5. **Allocation of Funds** Ninety-five per cent of the total budget is utilised for the components relating to new houses, upgradation of houses and provision of house sites and administrative expenses. The remaining 5% is reserved for special projects.

Allocation to states/UTs and from States/UTs to districts, blocks and wherever the states so desire, to the village Panchayats is on the basis of houseless people from among the BPL population for each category, i.e., SC, ST, minorities and others.

The Ministry has fixed the annual allocation for the States/UTs on the basis of 75% weightage to housing shortage in rural areas and 25% weightage to the number of people BPL. Within this overall target, allocation of funds for SCs, STs and Minorities is made on the basis of the proportionate population of these categories in the States/UTs.

6. **Special Projects** Five per cent of IAY allocation is retained at the central level as reserve fund. Special Projects for utilising the reserve fund can be posed by the States/UTs for the following purposes:
- (i) Rehabilitation of BPL families affected by natural calamities.
 - (ii) Rehabilitation of BPL families affected by violence and law and order problems.
 - (iii) Settlement of freed, bonded labourers and liberated, manual scavengers.
 - (iv) Settlement of particularly vulnerable tribal groups.
 - (v) New technology demonstration – especially with focus on affordable and green technologies.

7. **Administrative Expenses** Upto 4% of the funds released can be utilised for administering the scheme, of which upto 0.5% can be retained at the state level and the balance can be distributed to the districts. The district allocation includes two parts, one part to meet fixed expenditure which is same for all districts in a state and the other part proportional to the targets allotted to the district in order to meet working expenses. The states may decide the formula and also the formula for distribution to the intermediate and Village Panchayat levels in accordance with workload assigned to them.

8. **Agency for Implementation** At the district level the implementation is entrusted to Zilla Parishad or its equivalent in states where there are no Zilla Parishads.

At the local level, the Village Panchayat, or its equivalent where the state has no Village Panchayats, implements the programme. If Village Panchayats are too small to implement the scheme, the state may entrust the task to the Panchayat at the intermediate level. In such cases, Village Panchayats are given clear roles in selection of habitats and beneficiaries and in supervision and monitoring.

9. **Selection of Beneficiaries** The Gram Sabha selects the beneficiaries from the list of eligible BPL households/Permanent IAY Waitlist wherever it has been prepared.

In order to introduce transparency in selection of beneficiaries, permanent IAY waitlists have to be prepared gram panchayat wise. These lists contain the name of deserving BPL families who need IAY houses in order of their poverty status based on the BPL list 2002.

Construction of an IAY house is the responsibility of the beneficiary. Engagement of contractors is prohibited and no specific type, design has been stipulated for an IAY house. However, sanitary latrine and smokeless *chullah* are required to be constructed along with each IAY house. For construction of the sanitary latrine, the beneficiary can avail of the existing assistance from the Total Sanitation Campaign (TSC).

10. **Women Empowerment** The basic parameter of the scheme aims for gender equality and empowerment. However, under the scheme no separate funds are earmarked for women. As

per scheme guidelines, houses constructed are to be allotted in the name of female member of the beneficiary household. Alternatively, it can be allotted in the name of both husband and wife under the programme. When there is no eligible female member in the family available/alive, IAY house is allotted to the male members of a deserving BPL family.

11. **Homestead Scheme** The scheme was launched in 2009 as part of IAY, for providing homestead sites to those rural BPL households whose names are included in the Permanent IAY Waitlists but who do not have house site.
12. **Convergence** Necessary instructions have been issued to all the DRDAs regarding convergence of various Centrally Sponsored Schemes (CSS) with IAY. IAY beneficiaries can get benefits under Rajiv Gandhi Grameen Vidyutikaran Yojana (RGGVY), Total Sanitation Campaign (TSC), Janshree and Aam Aadmi Bima Yojana and Differential Rate of Interest (DRI) Scheme.

PRADHAN MANTRI GRAM SADAK YOJANA

The Government of India, as the part of poverty-reduction strategy, launched the Pradhan Mantri Gram Sadak Yojana (PMGSY) in 2000 as a CSS to assist states, though rural roads are in the state list under the Constitution.

The primary objective of the programme is to provide good all-weather connectivity to all eligible unconnected habitations in the core network with a population of 500 (Census-2001) and above. In respect of the Hill States, Desert areas, Tribal Areas and Selected Tribal and Backward Districts under Integrated Action Plan, the objective is to connect habitations with a population of 250 (Census-2001) and above. The programme envisages single all-weather connectivity.

With a view to ensuring full farm-to-market connectivity, the programme also provides for the upgradation of the existing Through Routes and Major Rural Links to prescribed standards, though it is not central to the programme.

The salient features of PMGSY are mentioned below:

1. **Decentralised Planning** The Programme draws upon the model of decentralised network planning for rural roads. The District Rural Roads Plans (DRRPs) have been developed for all the districts of the country and Core Network has been drawn out of the DRRP to provide for at least a single connectivity to each target habitation.
2. **Standards and Specifications** A Manual on Geometric Standards, Design, Construction and Maintenance of Rural Roads was published by the Indian Roads Congress at the special intervention of the Ministry of Rural Development.
3. **Detailed Project Reports and Scrutiny** As an important step to achieve quality output for each road under the Programme, proper survey and adequate investigations are stipulated. A Detailed Project Report (DPR) is a pre-requisite for project clearance. Independent scrutiny of the project proposals to ensure the adequacy of designing and project preparation is carried out.
4. **Institutional Arrangements** The Ministry of Rural Development is the nodal Ministry for implementation of the Programme at Central level. National Rural Roads Development Agency (NRRDA) has been constituted to provide technical and managerial support for implementation of the programme at the central level. The state governments have identified

State Nodal Departments and State Rural Roads Development Agencies (SRRDAs) have been constituted for the programme implementation at the state level. Depending upon the work load, Programme Implementation Units (PIUs) are constituted for each district by the states.

5. **Procurement Process** Based on best National and International practices, a Standard Bidding Document (SBD) has been developed for procurement of works under the PMGSY. All the works under the Programme are being procured and managed on the basis of provisions of the SBD. To ensure transparency and harness various advantages of electronic tendering, entire bidding for procurement of works under the programme is being carried out only through e-procurement.
6. **Quality Assurance** Quality is the essence of this programme, as such, a three-tier Quality Management Mechanism has been institutionalised under PMGSY.
7. **Maintenance** With a view to ensure sustainability of road assets created under the programme, each contract under the programme provides for defect liability of five years along with paid routine maintenance after completion of the work by the same contractor.
8. **Online Monitoring, Management and Accounting System** In view of full transparency in various aspects of programme implementation, a web-based Online Monitoring, Management and Accounting System (OMMAS) has been developed for the programme.
9. **Operations Manual and Programme Monitoring** All the operations under the programme have been systematically laid down in the “Operations Manual”. This manual provides for details of all the processes encompassing Institutional Structures, Planning, Design, Project Preparation, Procurement, Quality, Technical Agencies, Monitoring, Management of Maintenance, Road Safety, etc.

NATIONAL SOCIAL ASSISTANCE PROGRAMME

The Directive Principles of State Policy in the Constitution of India enjoin upon the state to undertake within its means a number of welfare measures. In particular, Article 41 of the Constitution of India directs the state to provide public assistance to its citizens in case of unemployment, old age, sickness and disablement and in other cases of undeserved want within the limit of its economic capacity and development. It is in accordance with these noble principles that the Government of India launched the National Social Assistance Programme (NSAP) in 1995.

The NSAP then comprised National Old Age Pension Scheme (NOAPS), National Family Benefit Scheme (NFBS) and National Maternity Benefit Scheme (NMBS). These programmes were meant for providing social assistance benefit to the aged, the BPL households in the case of death of the primary breadwinner and for maternity. These programmes were aimed at ensuring minimum national standards in addition to the benefits that the states were then providing or would provide in future.

The NMBS was transferred to Ministry of Health and Family Welfare in 2001 and subsumed in Janani Suraksha Yojana. In 2000, a new scheme known as Annapurna Scheme was launched. In 2009, two new schemes, namely, Indira Gandhi National Widow Pension Scheme (IGNWPS) and Indira Gandhi National Disability Pension Scheme (IGNDPS) have been introduced under NSAP.

Therefore, at present (2014), the NSAP comprises the following five schemes:

1. **Indira Gandhi National Old Age Pension Scheme (IGNOAPS)** The Government of India in the year 2007 modified the eligibility criteria for grant of old age pension to persons aged 65

years or higher and belonging to a household below the poverty line. With this modification the National Old Age Pension Scheme (NOAPS) was renamed as Indira Gandhi National Old Age Pension Scheme (IGNOAPS).

Under IGNOAPS, since 2007, old age pension of ₹200 per month was being provided to persons of 65 years and above.

In the year 2011, under IGNOAPS, the eligibility for old age pension has been reduced from 65 years to 60 years and the amount of pension has been raised from ₹200 to ₹500 per month for those who are 80 years or above.

Hence, under the IGNOAPS scheme, the BPL persons in the age group of 60–79 years are entitled to a monthly pension of ₹200 and BPL persons of age of 80 years and above are entitled to a monthly pension of ₹500

2. **Indira Gandhi National Widow Pension Scheme (IGNWPS)** In the year 2009, the GOI has approved pension to BPL widows in the age group of 40–64 years @ ₹200 p.m. per beneficiary. Consequent upon the lowering of age under IGNOAPS, the upper age limit under IGNWPS has been lowered from 64 years to 59 years.

In the year 2012, the amount of pension under IGNWPS has been increased to ₹300 p.m. and upper age limit has been increased to 79 years. Hence, IGNWPS is applicable to widows in the age group of 40–79 years and belonging to household living below poverty line.

3. **Indira Gandhi National Disability Pension Scheme (IGNDPS)** In 2009, the GOI has also approved pension under Indira Gandhi National Disability Pension Scheme (IGNDPS) for BPL persons with severe or multiple disabilities between the age group of 18–64 years @ ₹200 p.m. per beneficiary. Consequent upon the lowering of age under IGNOAPS, the upper age limit under IGNDPS has been lowered from 64 years to 59 years.

In the year 2012, the amount of pension under IGNDPS has been increased to ₹300 p.m. and upper age limit has been increased to 79 years. Hence, IGNDPS is applicable to persons with severe or multiple disabilities between the age group of 18-79 years and belonging to household living below poverty line.

4. **National Family Benefit Scheme (NFBS)** At inception, grant of ₹5000 in case of death due to natural causes and ₹10,000 in case of accidental death of the “primary breadwinner” was provided to the bereaved household under this scheme. The primary breadwinner specified in the scheme, whether male or female, had to be a member of the household whose earning contributed substantially to the total household income. The death of such a primary breadwinner occurring whilst he or she was in the age group of 18 to 64 years, i.e., more than 18 years of age and less than 65 years of age, made the family eligible to receive grants under the scheme.

In 1998, the amount of benefit under NFBS was raised to ₹10,000 in case of death due to natural causes as well as accidental causes.

In the year 2012, the amount of assistance under NFBS has been increased to ₹20,000 and upper age limit of death of primary breadwinner has been reduced to 59 years. Hence, NFBS is applicable in case of death of primary breadwinner in the age group of 18-59 years.

5. **Annapurna Scheme** This scheme is aimed at providing food security to meet the requirement of those senior citizens who, though eligible had remained uncovered under the IGNOAPS. Under the scheme, 10 kg of food grains per month is provided free of cost to the beneficiary.

NATIONAL LAND RECORDS MODERNISATION PROGRAMME

The National Land Records Modernisation Programme (NLRMP) was launched in 2008. The NLRMP was formed by the merger of two pre-existing centrally sponsored schemes, viz., Strengthening of Revenue Administration and Updating of Land Records (started in 1987–88) and Computerisation of Land Records (launched in 1988–89).

Components

The main objective of the NLRMP is to modernise the land records system in the country and to build up an integrated land information management system with up-to-date and real time land records. For this purpose, the two main systems of land records management and registration are to be integrated with the help of modern technology. Accordingly, the following activities are being supported under the programme:

1. completion of computerisation of the records of rights (RoRs).
2. digitisation of maps and integration of textual and spatial data.
3. survey/resurvey using modern technology including aerial photogrammetry.
4. computerisation of registration.
5. automatic generation of mutation notices.
6. vertical linking of revenue offices and connectivity amongst the land records and registration offices.
7. modern record rooms/land records management centres at tehsil/taluk/circle/block level.
8. training and capacity building of the concerned officials and functionaries.

Funding Pattern

The NLRMP is being implemented as a centrally sponsored scheme with the following funding pattern for its various components:

- (i) Computerisation of land records including digitisation of cadastral maps, integration of textual and spatial data, data centres at tehsil, sub-division, district and state level, interconnectivity among revenue offices (100% by Government of India).
- (ii) Survey/resurvey and updating of the survey & settlement records (including ground control network and ground truthing) using modern technology options. (90% and 50% by Govt. of India for NE states and other states respectively).
- (iii) Computerisation of Registration including connectivity to SROs with revenue offices (90% and 25% by Govt. of India for NE states and other states respectively).
- (iv) Modern record rooms/land records management centres at tehsil level (90% and 50% by Govt. of India for NE states and other states respectively).
- (v) Training & capacity building (100% by Govt. of India)
- (vi) Core GIS (100% by Govt. of India)

Significance

A major focus of the NLRMP is on citizen services, such as providing computerised copies of the records of rights (RoRs) with maps; other landbased certificates such as caste certificates, income certificates, domicile certificates; information for eligibility for development programmes etc. Property owners are accessed to their land records, as records are placed on the websites with proper security IDs. Abolition of stamp papers and payment of stamp duty and registration fees through banks, e-linkages to credit facilities, automatic and automated mutations and single-window service can be achieved under the programme.

Further, the NLRMP is of immense usefulness to the governments—both Central and state governments—in modernising and bringing efficiency to the land revenue administration as well as offering a comprehensive tool for planning various land-based developmental, regulatory and disaster management activities needing location-specific information.

The ultimate goal of the NLRMP is to usher in the system of conclusive titling, to replace the current system of presumptive titles in the country. The activities to be undertaken under the programme are to converge in the district and district is the unit of implementation. All the districts in the country are expected to be covered under the programme by the end of the Twelfth Plan.

INTEGRATED WATERSHED MANAGEMENT PROGRAMME

Area Development Programmes

The Integrated Watershed Management Programme (IWMP) was launched in 2009. The IWMP was formed by the merger of three pre-existing Area Development Programmes, viz.,

- (i) Draught Prone Areas Programme (DPAP)
- (ii) Desert Development Programme (DDP)
- (iii) Integrated Wastelands Development Programme (IWDP)

The DPAP was launched in 1973–74 to tackle the special problems of areas constantly affected by severe drought condition. The DDP was launched in 1977–78 for hot desert areas of Rajasthan, Gujarat, Haryana and cold desert areas of Jammu & Kashmir and Himachal Pradesh. In 1995–96, the coverage of DDP was extended to six districts of Karnataka and one district of Andhra Pradesh. The IWDP was launched in 1989 for development of wastelands on watershed basis. The guidelines for these three programmes were revised in 2003 and renamed as Hariyali Guidelines.

Objectives

The consolidation of the above three separate programmes into a single IWMP is for optimum use of resources, sustainable outcomes and integrated planning. The main objectives of the IWMP are to restore the ecological balance by harnessing, conserving and developing degraded natural resources such as soil, vegetative cover and water. The outcomes are prevention of soil erosion, regeneration of natural vegetation, rain water harvesting and recharging of the ground water table. This enables multi-cropping and the introduction of diverse agro-based activities, which help to provide sustainable livelihoods to the people residing in the watershed area.

Features

The salient features of IWMP are mentioned below:

1. The activities to be taken up under IWMP are spread over three phases. The Preparatory Phase (one to two years) mainly involves preparation of DPR, Entry Point Activities and Institution & Capacity Building. The Watershed Works Phase (two to three years) involves the Watershed Development Works, Livelihood Activities for the assetless persons and Production System & Micro Enterprises. The Consolidation and Withdrawal Phase (one to two years) involves consolidation and completion of various works.
2. The cost norm for IWMP is ₹15000 per ha for hilly & difficult areas, ₹12000 per ha for other areas and upto ₹15000 per ha for IWMP projects in Integrated Action Plan (IAP) Districts.
3. The funding pattern under the scheme is in the ratio of 90 : 10 between the Centre and the states.
4. The projects under IWMP undertake a cluster of micro-watersheds of area about 5000 ha in rainfed/degraded areas having no assured irrigation.
5. The programme lays emphasis on meticulous planning and capacity building, by providing a special provision of 1% for preparation of Detailed Project Report (DPR) and 5% for Institution and Capacity Building.
6. Nine per cent of the project cost is earmarked for development of sustainable livelihood options for assetless people whereas 10% of the project cost is dedicated for productivity enhancement and development of microenterprises for small and marginal farmers.
7. The programme emphasises utilising the information technology, remote sensing techniques, GIS facilities, with spatial and non-spatial data, into planning, implementation, monitoring and evaluation of the projects.

Comparison with Hariyali

Now, we will compare the provisions under IWMP with that of the provisions under Hariyali Guidelines in the following table:

Table 17.1 Hariyali Vs. Integrated Watershed Management Programme

<i>S. No.</i>	<i>Contents</i>	<i>Provisions Under Hariyali (2003)</i>	<i>Provisions Under IWMP (2009)</i>
1.	Programmes	Three programmes (IWDP, DPAP, DDP)	Single Programme (IWMP)
2.	Project Area	One micro-watershed (500 ha average size)	A cluster of micro-watersheds (1000 ha to 5000 ha)
3.	Selection of Watershed	Project area did not exclude assured irrigation area	Assured irrigation area excluded from project area
4.	Cost per ha.	₹ 6,000	₹ 12,000 for plains and ₹ 15,000 for difficult and hilly areas.
5.	Central Share and State Share	75 : 25 for DPAP and DDP, 92 : 8 for IWDP	90 : 10 for IWMP

6.	Project Period	Five years	Four to Seven years
7.	Number of Installments	Five (15%, 30%, 30%, 15%, 10%)	Three (20%, 50%, 30%)
8.	Fund Allocation	Training and Community Mobilisation 5% Admm. 10% Works 85%	Institution and Capacity building 5% Monitoring and Evaluation 2% Admn. 10% Works and Entry Point Activities 78% Consolidation 5%
9.	Institutional Support	Weak Institutional arrangements	Dedicated Institutional Structures at Central, State, District, Project and Village level
10.	Planning	No separate component	1% for DPR Preparation with scientific inputs
11.	Monitoring and Evaluation	No separate budget provision for mid-term & final evaluation	2% of project cost earmarked for Monitoring and Evaluation. Provision for evaluation after every phase of the project.
12.	Sustainability	Weak mechanism with WDF as a tool	Consolidation Phase with WDF and livelihood component as a tool
13.	Livelihood	Not included	Included as a component

TECHNOLOGY DEVELOPMENT EXTENSION TRAINING SCHEME

The Technology Development Extension Training (TDET) scheme was launched in 1993 to promote the development of cost-effective and proven technologies for reclamation of various categories of wasteland.

Objectives

The main objectives of the scheme include:

1. To undertake package of activities which would comprise of the Innovative Technology Development Pilot and Action Research Projects, Replicable Demonstration Models, Extension and Training with clearly defined objectives to address the contemporary problems in watershed management at the planning, implementation, monitoring and post-project utilisation stages.
2. To use modern technology on crop simulation models to estimate true potential of rainfed agriculture by integrated watershed management.

3. To assess the Productivity/Yield Gap between the laboratory and field conditions coupled with technology development and extension to bridge this gap.
4. To contribute immensely in assessing the actual impact of various activities in watershed development programmes in terms of changes in Geo-hydrological potential, soil and crop cover, run off, etc. in the project area.

Features

The features of this scheme are:

- (a) The scheme is being implemented through ICAR institutes, State Agricultural Universities, District Rural Development Agencies and Government Institutions with adequate institutional framework and organisational back up. Successful implementation of the scheme is expected to bridge the gap between existing technologies relevant to the latest situation for development of non-forest wasteland and wider application by organisations and agencies dealing with land-based programme.
- (b) Under the scheme, 100% grant is admissible to implement projects on wastelands owned by government, public sector undertakings, universities, panchayats, etc. In case, projects include the development of wastelands of private farmers and corporate bodies, the project cost is to be shared 60 : 40 between government and beneficiaries. However, in case of the land belonging to small and marginal farmers, the beneficiary share will be 10% and 5% respectively.
- (c) Before a project is sanctioned, it is scrutinised by the Technical Advisory Committee and after its recommendation, it is placed before the Steering Committee for final approval.

Activities

The important activities undertaken under TDET scheme are:

- (i) Development of a data base on wastelands.
- (ii) Promotion and testing of various agro-forestry models in different agro-climatic zones of the country.
- (iii) Cost-effective technologies for increasing the productivity of saline and alkaline soils.
- (iv) Promotion of medicinal and herbal plantations of non-forest wastelands.
- (v) Composite technologies for water harvesting.
- (vi) Treatment of degraded lands through bio-fertilisers (vermiculture, mycorrhisa, bio-pesticides).
- (vii) Food stock modes techniques and development of technology for Jojoba plantation in arid and semiarid areas.
- (viii) Low-cost technology to convert domestic and farm waste into Bio-fertiliser for use to grow fruit trees.

NATIONAL RURAL DRINKING WATER PROGRAMME

Background

The Government of India's major intervention in water sector started in 1972 through the Accelerated Rural Water Supply Programme (ARWSP) for assisting States/UTs to accelerate the coverage of drinking water supply in 'problem villages'. A Technology Mission with stress on water quality, appropriate technology intervention, human resource development support and other related activities was introduced in 1986 which was subsequently renamed as the Rajiv Gandhi National Drinking Water Mission (RGNDWM) in the year 1991. In the year 1999, Sector Reform Projects was started to involve the community in planning, implementation and management of drinking water schemes which, in 2002, was scaled up as the Swajaldhara programme. The programme was revised in 2009 and named the National Rural Drinking Water Programme (NRDWP).

Objectives

The NRDWP is a centrally sponsored scheme aimed at providing adequate and safe drinking water to the rural population of the country. The objectives of the programme are as follows :

1. Provision of safe and adequate drinking water supply to all uncovered, partially covered and quality affected habitations in the rural areas of the country.
2. Provision of water supply in government schools and *anganwadis*.
3. Moving from habitation level coverage towards household level drinking water security and coverage.
4. Moving away from over dependence on single drinking water source to multiple sources through conjunctive use of surface water, ground water and rainwater harvesting.
5. Ensuring sustain ability in drinking water supply schemes, water budgeting and preparation of village water security plans.
6. Convergence with NBA, NRHM, ICDS, SSA, MNREGS, Watershed Development programme etc.
7. Giving flexibility to states to adopt better service norms for determining coverage.
8. Incentivising states to hand over management of rural water supply schemes to panchayats.
9. Providing earmarked funds for support activities like IEC, HRD, MIS, R & D, STA in NRDWP and providing 5% allocation in NRDWP funds.

New Features

During 2010 to 2013, the following new features were included in the Programme :

- (i) Focus on piped water supply rather than on handpumps.
- (ii) Enhancement of service levels for rural water supply from the norm of 40 lpcd to 55 lpcd for designing of systems.
- (iii) Prioritisation of states which are lagging in terms of coverage with piped water supply.
- (iv) Focus on states with Integrated Action Plan (IAP) districts.
- (v) Making available additional resources for operation and management of schemes.
- (vi) Conjoint approach between rural water supply and rural sanitation so as to achieve saturation of habitations with both these services.
- (vii) Participative planning and implementation of water resource management practices.
- (viii) Incentivising states to hand over management of schemes to Panchayati Raj Institutions (PRIs) by introducing Management Devolution Index (MDI) consisting of 21 Indicators which would

be independently evaluated.

- (ix) A new component of Water Quality Monitoring and Surveillance was introduced with 3% of NRDWP funds allocated for the purpose.
- (x) A dedicated fund consisting of 5% of the total allocation of NRDWP funds to states have been earmarked for states with habitations having chemical contamination and states with high priority districts affected by Japanese Encephalitis (JE) / Acute Encephalitis Syndrome (AES).

Components

The programme has different components to meet the emerging challenges in the rural drinking water sector. The allocation for different components and their funding pattern is mentioned in [Table 17.2](#).

Table 17.2 Components, Allocation and Funding Pattern of NRDWP

	<i>Components</i>	<i>Purpose</i>	<i>Distribution of State NRDWP Allocation</i>	<i>Center-State Sharing Pattern</i>
1.	Coverage	For providing safe and adequate drinking water supply to unserved, partially served and slipped back habitations	47%	90:10 (for NE States and J&K) 50:50 (for other States)
2.	Water Quality	To provide safe drinking water to water quality affected habitations.	20%	90:10 (for NE States and J&K) 50:50 (for other States)
3.	Operation and Maintenance (O & M)	For expenditure on running, repair and replacement costs of drinking water supply projects.	15% Maximum	90:10 (for NE States and J&K) 50:50 (for other States)
4.	Sustainability	To encourage states to achieve drinking water security at the local level through sustainability of sources and systems.	10% Maximum	100:0
5.	Support	Support activities like WSSO, DWSM, BRCs, IEC, HRD, MIS and computerisation, R&D etc.	5%	100:0
6.	Water Quality Monitoring and Surveillance	For monitoring and surveillance of water quality in habitations at field level and for setting up, upgrading laboratories at State, district and sub-district levels.	3%	100:0
	Total		100%	

In order to develop the understanding and appreciation of safe and clean drinking water amongst rural communities and to enable them to carry out tests to determine the quality of drinking water, the National Rural Drinking Water Quality Monitoring and Surveillance Programme (NRDWQM & SP) was launched in 2006. In the year 2009, the programme has been subsumed in the NRDWP.

Jalmani Programme

With the objective of providing safe and clean drinking water to the children studying in water deficient rural schools, the Jalmani Programme was launched in 2008. Under the programme, 100% financial assistance is provided to states to install standalone water purification system in rural schools. The states were given the flexibility to select the appropriate technology and product.

NIRMAL BHARAT ABHIYAN

Background

The Government of India started the Central Rural Sanitation Programme (CRSP) in 1986 primarily with the objective of improving the quality of life of the rural people and also to provide privacy and dignity to women.

The concept of sanitation was expanded to include personal hygiene, home sanitation, safe water, garbage disposal, excreta disposal and waste water disposal. With this broader concept of sanitation, the CRSP adopted a “demand driven” approach with the name “Total Sanitation Campaign” (TSC) in 1999.

In 2012, the TSC was renamed as “Nirmal Bharat Abhiyan” (NBA). The objective of NBA is to achieve sustainable behaviour change with provision of sanitary facilities in entire communities in a phased, saturation mode with “Nirmal Grams” as outcomes. The new strategy is to transform rural India into ‘Nirmal Bharat’ by adopting community saturation approach. The NBA goal is to achieve 100% access to sanitation for all rural households by 2022.

A Nirmal Bharat is the dream of a clean and healthy nation that thrives and contributes to the wellbeing of our people by completely eliminating the traditional habit of open and operationalising systems for the safe management of solid and liquid waste at scale, along with improved hygiene behaviours.

Objectives

The main objectives of the NBA are as under:

1. To bring about an improvement in the general quality of life in the rural areas.
2. To accelerate sanitation coverage in rural areas to achieve the vision of Nirmal Bharat by 2022 with all gram Panchayats in the country attaining Nirmal status.
3. To motivate communities and Panchayati Raj Institutions promoting sustainable sanitation facilities through awareness creation and health education.
4. To cover the remaining schools not covered under Sarva Shiksha Abhiyan (SSA) and Anganwadi Centres in the rural areas with proper sanitation facilities and undertake proactive

- promotion of hygiene education and sanitary habits among students.
5. To encourage cost effective and appropriate technologies for ecologically safe and sustainable sanitation.
 6. To develop community managed environmental sanitation systems focusing on solid and liquid waste management for overall cleanliness in the rural areas.

New Initiatives

Under NBA, the following new initiatives have been undertaken:

1. Conjoint approach with the scheme of National Rural Drinking Water Programme (NRDWP) has been adopted to address the issue of availability of water in the Gram Panchayats for sustaining sanitation facilities created.
2. More focus on Information, Education and Communication (IEC) activities with that lays the basis for successful implementation of the programme.
3. Convergence with other Ministry/State Departments like Health, Women & Child Development and Panchayati Raj is being focused upon.
4. Provision has been made for incentivising Accredited Social Health Activists (ASHAs) and Anganwadi workers for promoting sanitation. Self Help Groups, Women's Groups and Non-Government Organisations of repute are to be encouraged by states to participate in sanitation promotion.

Provisions

The various provisions under the NBA are mentioned below :

1. Under NBA, the provision of incentive for individual household latrine units has been widened to cover all APL households who belong to SCs, STs, small and marginal farmers, landless labourers with homesteads, physically challenged and women headed households along-with all BPL households.
2. Provision of individual household latrines: Incentive of ₹3200 and ₹1400 for each toilet (₹3700 and ₹1400 in case of hilly and difficult areas) is given by Central and state governments respectively to BPL households and identified Above Poverty Line (APL) households.
3. In addition, upto ₹4500 to be booked under Mahatma Gandhi National Rural Employment Guarantee Scheme for construction of the toilet is permitted.
4. Assistance of ₹35000 (₹38500 for hilly and difficult areas) for toilets in schools and ₹8000 (₹10000 for hilly and difficult areas) for Anganwadi Toilets with the cost shared by Central and states government in the ratio of 70 : 30.
5. Provision for upto ₹200000 for construction of Community Sanitary Complexes with cost shared between Centre, state and community in the ratio of 60 : 30 : 10.
6. Assistance to production centres of sanitary materials and rural sanitary marts.
7. Solid and Liquid Waste Management (SLWM) in project mode for each Gram Panchayat (GP) with financial assistance capped for a GP based on number of households to enable all Panchayats to implement sustainable SLWM projects. A cap of ₹7/12/15/20 lakh to be applicable for Gram Panchayats having up to 150/300/500/ more than 500 households on a Centre and State/GP sharing ratio of 70 : 30. Projects to be prioritised in identified GPs

targeted for Nirmal status and those that have already been awarded Nirmal Gram Puraskar (NGP). Any additional cost requirement is to be met from the State/GP.

8. Funds for capacity building of all stakeholders including Panchayati Raj Institutions (PRIs) and field level implementers have been earmarked under the revised strategy.

Nirmal Gram Puraskar

The Government of India (GOI) launched an award based Incentive Scheme for fully sanitised and open defecation-free Gram Panchayats, Blocks, Districts and States called “Nirmal Gram Puraskar” (NGP) in 2003 and started awarding GPs in 2005 as a component of its flagship scheme Total Sanitation Campaign (TSC). The NGP seeks to recognise the efforts made by Panchayati Raj Institutions (PRIs) and organisations which have contributed significantly towards ensuring full sanitation coverage in their areas of operation.

The main objectives of NGP are:

1. To promote safe sanitation and clean environment as a way of life in rural India.
2. To incentivise Panchayati Raj Institutions (PRIs) to make the villages Open Defecation Free (ODF) and to adopt Solid and Liquid Waste Management (SLWM).
3. To sustain the initiative of clean environment.
4. To encourage organisations to play a catalytic role in social mobilisation in the implementation of NBA.

In 2008, Sikkim became the first Nirmal State (no open defecation state) of the country.

PROVISION OF URBAN AMENITIES IN RURAL AREAS SCHEME

Rationale

The Provision of Urban amenities in Rural Areas (PURA) scheme proposes holistic and accelerated development of compact areas around a potential growth centre in a Gram Panchayat (or a group of Gram Panchayats) through Public Private Partnership (PPP) framework. The primary objectives of the scheme are the provision of livelihood opportunities and urban amenities in rural areas to bridge the rural–urban divide and to improve the quality of life in rural areas. The scheme is being implemented on pilot basis.

Lack of livelihood opportunities, modern amenities and services for decent living in rural areas lead to migration of people to urban areas. There are wide gaps in the availability of physical and social infrastructure between rural and urban areas. To address these issues, in the year 2003, the then President of India Dr. A.P.J. Abdul Kalam had enunciated the idea of integrated development of villages leading to urbanisation through a mission for Provision of Urban Amenities in Rural Areas (PURA). Dr. Kalam visualised providing four connectivities: physical connectivity, electronic connectivity, knowledge connectivity leading to economic connectivity of rural areas.

PURA and PURA 1.0

Subsequently, PURA was implemented as a pilot scheme during the Tenth Five Year Plan in Basmath (Maharashtra), Bharthana (Uttar Pradesh), Gohpur (Assam), Kujanga (Orissa), Motipur (Bihar), Rayadurg (Andhra Pradesh) and Shahpura (Rajasthan). An evaluation study of these pilot projects by National Institute of Rural Development (NIRD) revealed that the scheme was open-ended without specific guidelines and had no in-built business plan. Besides, it was largely infrastructure-centric without factoring lead economic activities and the site selection was not based on growth potential. It did not allow for convergence with other schemes of rural development or other departments, hence having limited impact on holistic development of rural areas.

Based on the findings of the evaluation study by NIRD, comments of various Ministries/Departments, feedback received during consultations with private sector representatives and officials of state governments, and the recommendations of the consulting team of Asian Development Bank (ADB), the scheme was totally restructured as PURA 1.0 for implementation on pilot basis during Eleventh Five Year Plan as a central sector scheme. The salient features of the restructured PURA 1.0 included the following :

1. Convergence of Central and state government schemes.
2. Implementation in project mode and based on lifecycle cost approach that allows bundling of construction and O&M of infrastructure and amenities.
3. Implementation through a single private partner to ensure simultaneous delivery of key infrastructure required in villages leading to optimal use of resources.
4. Site selection by private partner on basis of socio-economic growth considerations.
5. Agreement between Gram Panchayat and the private partner that makes the restructured PURA a model for empowerment of Gram Panchayats and public accountability.

The Working Group for PURA 1.0 constituted by Planning Commission has recommended that PURA 1.0 be upscaled as a full-fledged scheme during the Twelfth Five Year Plan and implemented all over the country.

PURA 2.0 (PURA Phase II)

Accordingly, in 2012, the Ministry of Rural Development has launched PURA Phase II (PURA 2.0) as a central sector scheme which is implemented through a Public Private Partnership (PPP) arrangement amongst Central Government, state government, Gram Panchayat(s) and the private sector. The rollout of projects is supported by Planning Commission, Department of Economic Affairs and Asian Development Bank.

The redesigned PURA 2.0 is a unique blend of infrastructure provisioning, economic activity, skill development and livelihood generation. It is an effort to provide a different framework for the implementation of rural infrastructure development schemes and harness private sector efficiencies in the management of assets and delivery of services.

The scope of the scheme is to select private partners to develop livelihood opportunities, urban amenities and infrastructure facilities to prescribed service levels almost akin to urban standards and to be responsible for maintenance of the same for a period of ten years in identified Panchayats/cluster of Panchayats. Private sector entities having experience in development and management of community-oriented infrastructure projects are selected through an open competitive bidding process based on rigorous qualifications and evaluation criteria.

The selected private partners are required to provide standard amenities like water supply and sewerage, roads, drainage, solid waste management, street lighting and power distribution and

undertake some economic and skill development activity as part of the PURA project. The private partners may also provide ‘add-on’ revenue-earning facilities such as village linked tourism, integrated rural hub, rural market, agri-common services centre and warehousing, etc. in addition to the above-mentioned amenities. Where the PURA project spans several Panchayats in a cluster, the private partner would propose sub-projects with the PURA elements for each of the Panchayats.

The leveraging of public funds with private capital and management expertise for creation and maintenance of rural infrastructure is the essence of the PURA scheme. Further, the scheme is envisioned to act as the catalyst not only for convergence between different infrastructure development schemes but also for the new model for the management of urbanisation of rural areas.

RAJIV GANDHI PANCHAYAT SASHAKTIKARAN ABHIYAN

The Centrally Sponsored Scheme (CSS) of Rajiv Gandhi Panchayat Sashaktikaran Abhiyan (RGPSA) was launched in the year 2013 to strengthen the Panchayati Raj System across the country and address critical gaps that constrain it.

The funding of RGPSA for State plans is on a 75 : 25 sharing basis by the Central and State Governments respectively. For NE States, the ratio is 90 : 10. The schemes of Rashtriya Gram Swaraj Yojana (RGSY), e-Panchayat, Panchayat Empowerment and Accountability Incentive Scheme (PEAIS) and Panchayat Mahila Evam Yuva Shakti Abhiyan (PMEYSA) are subsumed in RGPSA from 2013–14.

Objectives

The RGPSA seeks to:

1. Enhance capacities and effectiveness of Panchayats and the Gram Sabhas;
2. Enable democratic decision-making and accountability in Panchayats and promote people’s participation;
3. Strengthen the institutional structure for knowledge creation and capacity building of Panchayats;
4. Promote devolution of powers and responsibilities to Panchayats according to the spirit of the Constitution and PESA Act;
5. Strengthen Gram Sabhas to function effectively as the basis forum of people’s participation, transparency and accountability within the Panchayat system;
6. Create and strengthen democratic local self-government in areas where Panchayats do not exist; and
7. Strengthen the constitutionally mandated framework on which Panchayats are founded.

Scheme Modalities

As the status of Panchayats varies across States, the States need to undertake different activities to strengthen their Panchayati Raj systems with reference to their specific requirements and context. The RGPSA allows a range of activities to be undertaken by states as per state needs, so that each state can bring about needed changes to strengthen its Panchayati Raj system.

To access funds, the states need to prepare perspective plans for five years, i.e., the Twelfth Plan period, and annual plans for strengthening Panchayats, detailing out the activities and deliverables, from among the permitted components in the scheme.

The states are required to fulfill some essential conditions for accessing any RGPSA funds. These include :

1. Regular elections to Panchayats or local bodies in non-Part IX areas under the superintendence and control of the State Election Commission (SEC).
2. At least one-third reservation for women in Panchayats or other local bodies.
3. Constitution of SFC every five years, and placement of Action Taken Report on the recommendations of the SFC in the state legislature.
4. Constitution of District Planning Committees (DPCs) in all districts, and issuing of guidelines/rules to make these functional.

The states that do not fulfill the above essential conditions are not eligible for funds under RGPSA. Further, twenty per cent scheme funds are linked to action taken by the states for implementation of the provisions of the 73rd Amendment to the Constitution of India in the following areas :

1. Articulating an appropriate policy framework for providing administrative and technical support to Panchayats.
2. Strengthening the financial base of Panchayats by assigning appropriate taxes, fees, etc.
3. Provision of united funds to Panchayats and timely release of SFC and Central Finance Commission (CFC) grants.
4. Ensuring devolution of funds, functions and functionaries.
5. Preparing and operationalising a framework for bottom-up grassroots planning and convergence through the DPC.
6. Ensuring free and fair elections, and making the SEC autonomous.
7. Strengthening the institutional structure for capacity building of Panchayats, selecting suitable partners for capacity building, and improving outreach and quality of capacity building.
8. Putting in place a system of performance assessment of Panchayats.
9. Strengthening Gram Sabhas, promoting Mahila Sabhas/Ward Sabhas.
10. Institutionalising accountability processes such as voluntary disclosure of information and social audit.
11. Strengthening the system of budgeting, accounts and audit, including use of e-enabled processes. Maintenance of Panchayat accounts on-line at least for District and Intermediate Panchayats. Issuing of guidelines/rules for voluntary disclosure of budget and accounts by Panchayats.
12. Ensuring compliance of state laws and rules with PESA.

Activities to be Included in State Plans

The states are expected to prepare plans under the scheme to undertake activities as per their requirement / priorities, from a menu of activities permitted in the scheme. Each state is not expected to necessarily undertake all the activities. Activities that can be included in state plans under RGPSA are as follows:

1. Administrative and technical support at the Gram Panchayat (GP) level.
2. GP buildings.
3. Capacity building and training of elected representatives & functionaries.

4. Institutional structure for training at state, district & block level.
5. E-enablement of panchayats.
6. Support to Panchayat processes and procedures in Panchayats with inadequate revenue base.
7. Special support for Gram Sabhas in PESA and NE areas.
8. Programme management.
9. Information, Education, Communication (IEC).
10. Strengthening of SECs.
11. Innovative activities in states.

PRADHAN MANTRI ADARSH GRAM YOJANA

The Centrally Sponsored Scheme (CSS) of the Pradhan Mantri Adarsh Gram Yojana (PMAGY) was launched in the year 2010 as a pilot scheme for integrated development of 1,000 selected Scheduled Caste (SC) majority villages. The scheme is presently being implemented in five states, viz., Assam (100 villages), Bihar, Himachal Pradesh, Rajasthan and Tamil Nadu (225 villages each). There are 44,080 villages having more than 50% SC population.

Objectives

The aim of PMAGY is to ensure integrated development of the selected 1000 villages with more than 50% SC population into “model villages” so that, *inter alia*,

1. They have all requisite physical and social infrastructure for their socio-economic development.
2. Disparity between SC and non-SC population in terms of common socio-economic indicators (e.g., literacy rate, completion rate of elementary education, IMR/MMR, ownership of productive assets, etc.) is eliminated, the indicators are raised to at least the level of the national average, and :
 - (a) All BPL families, especially those belonging to SCs, have food and livelihood security, and are enabled to cross the poverty line and earn an adequate livelihood,
 - (b) All children complete at least eight years of education, and
 - (c) Incidence of malnutrition, especially among children and women, is eliminated.
3. Untouchability, discrimination, segregation, and atrocities against SCs are eliminated, as are other social evils like discrimination against girls/women, alcoholism and substance (drugs) abuse, etc., and all sections of society are able to live with dignity and equality, and in harmony with others.

Strategy

The various elements of the strategy to achieve the above objectives are as follows:

1. Convergent implementation of various ongoing programmes, with necessary supplementation/gap-filling
2. Rural poverty alleviation programmes to be implemented in a manner to ensure flow of adequate benefits to SCs

3. To ensure adequate access to bank loans, entrepreneurial training, and marketing support to SC farmers, artisans, craftsmen, traders.
4. Better enforcement of legal provisions for the protection of weaker sections, especially SCs.
5. If the village has been identified as an atrocity-prone area, taking a slew of measures to improve SCs' security therein.
6. To restore lands/houses to SC land/house-owners, who have been unlawfully dispossessed.

Target Group

While the scheme generally covers all sections of society living in the selected villages with more than 50% SC population, special focus is on development of weaker sections like:

- (a) Scheduled Castes,
- (b) Scheduled Tribes,
- (c) Women and children,
- (d) Persons with disability, and
- (e) The destitute.

Components

The scheme has the following two main components :

1. Territorial Area-related Component
2. Functional Area-related Component

The first component of the scheme is territorial in nature, and is centered on individual villages. It has following two sub-components.

- (i) Convergent implementation of existing schemes of Central and state governments in the selected villages, and
- (ii) Gap-filling funds from PMAGY in which Central Government's contribution is ₹20 lakh per village (revised from ₹10 lakh to ₹20 lakh per village in 2011), with state government making a suitable, preferably matching contribution, for meeting specifically identified developmental requirements of the selected villages which cannot be met under the existing schemes of the Central and state governments.

The functional area-related component is, *inter alia*, meant to facilitate implementation of the scheme by way of strengthening of administrative machinery for its planning and implementation, capability building of key personnel, developing a proper management information system etc. For this component, the state government is eligible for Central assistance upto 5% (revised in 2011 from the earlier 6%) of the outlay for territorial area-related component.

BHARAT NIRMAN PROGRAMME

To unlock huge development potential of rural India, the Government of India has launched a time bound programme titled 'Bharat Nirman' in 2005 initially for a period of four years, i.e., 2005–2009. The programme was initiated by Government of India in partnership with state governments and

Panchayati Raj Institutions with the objective to build rural infrastructure and provide basic amenities in rural areas. Under the scheme, projects are taken up in the areas of irrigation, road, rural housing, rural water supply, rural electrification and rural telecommunication connectivity. Specific goals and targets were set in each of these areas.

Under Bharat Nirman, the effort is to impart a sense of urgency to these goals by up-scaling the physical targets under various components and making the programme timebound, transparent as well as accountable. Phase I of the programme was implemented in the period 2005–06 to 2008–09 and on the basis of the outcome, Phase II was implemented from 2009–10 to 2011–12. The time period of the programme has been extended upto the end of 2014 in the case of housing and telephone.

Phase-wise physical targets under each of the components have been identified as mentioned in [Table 17.3](#).

Table 17.3 Targets Under Bharat Nirman Programme

<i>Component</i>	<i>Targets for Phase I (2005–09)</i>	<i>Targets for Phase II (2009–12 and extension upto the end of 2014 in case of Housing and Telephone)</i>
1. Drinking Water	To provide drinking water to 55,067 uncovered habitations by 2009. All habitations with failed sources and water quality problems will be covered	Cover approximately 55 thousand uncovered habitations and provide safe drinking water to approximately 2.16 lakh villages affected by poor water quality.
2. Irrigation	To create 10 million hectare of additional irrigation capacity.	Remaining 3.5 million hectares to be brought under assured irrigation by 2012.
3. Roads	To provide all weather roads to every habitation over a 1,000 population and above (500 in hilly and tribal areas): remaining 66,802 habitations to be covered.	Provide road connections to remaining 23,000 villages approximately with population of 1000 or 500 in case of hilly or tribal areas.
4. Electricity	To provide electricity to remaining 1,25,000 villages and to 23 million households.	Provide electricity to remaining 40,000 villages approximately and connections to about 1.75 crore poor households.
5. Housing	To construct 0.6 crore houses	Provide additional 1.2 crore houses at the rate of 24 lakh houses each year to be built by funds allocated to the homeless through Panchayats. The plan has been extended to the end of 2014.
6. Rural Telephone Connectivity	To connect remaining 66,822 villages with telephone by 2007.	Increase rural tele-density to 40% and provide broadband connectivity and Bharat Nirman Seva Kendras to

The components-wise details of the programme are given below:

1. Drinking Water Supply Bharat Nirman envisages providing safe drinking water to all uncovered habitations by 2012. Supply of safe drinking water in uncovered, slipped back and quality affected habitations is one of the components of Bharat Nirman. Thus Bharat Nirman envisaged covering 55,067 uncovered habitations, 2.8 lakh slipped back habitations and about 2.17 lakh quality affected habitations.

The Ministry of Drinking Water and Sanitation is responsible for meeting this goal in partnership with state governments. Against 55,067 un-covered habitations to be covered during the Bharat Nirman period, 54,440 habitations have been covered during Phase-I. The implementation status of the NRDWP under Bharat Nirman Phase-II shows that all the uncovered habitations envisaged under Bharat Nirman have been covered and against an overall physical target of 1,05,479 quality affected habitations to be covered up to 2011–12, a total of 87,028 habitations have been covered upto October, 2012.

2. Irrigation Irrigation is one of the six components of Bharat Nirman. There is huge gap between irrigation potential created and the potential utilised. Under Bharat Nirman it is planned to restore and utilise irrigation potential of 10 lakh hectare through implementation of extension, renovation and modernisation of schemes alongwith command area development and water management practices. There are considerable areas in the country with unutilised ground water resources. Irrigation potential of 28 lakh hectare is planned to be created through ground water development. The remaining target for creation of irrigation potential of 10 lakh hectares is planned to be created by way of minor irrigation schemes using surface flow. Ten lakh hectare of irrigation potential is also planned by way of repair, renovation and restoration of water bodies and extension, renovation and modernisation of minor irrigation schemes.

The irrigation potential created was 7.3155 m.ha against a target of 10 m.ha during phase-I and during phase-II 4.460 m.ha irrigation potential was created upto October, 2012.

3. Roads Road connectivity is a major component of Bharat Nirman. The aim is to connect all villages that have a population of 1000 (or 500 in hilly/tribal area) with an all-weather road by 2012. This is expected to generate multiplier effects in the rural economy of linking production to markets and services. This work, which is being undertaken under the Pradhan Mantri Gram Sadak Yojana since 2000, has been modified to address the above goals within the stipulated time-frame. The funding for the programme is made under the CSS 'Pradhan Mantri Gram Sadak' Yojana by Ministry of Rural Development which is 100% funding by the Centre to the states.

New connectivity is proposed to be provided to a total of 54,648 habitations under Bharat Nirman. This will involve construction of 1,46,185.34 km of rural roads. In addition to new connectivity, the scheme also envisages upgradation/renewal of 1,94,130.69 km of existing rural roads. Under the rural roads component of Bharat Nirman, 44,089 habitations have been provided all-weather road connectivity, 2,35,903 km road had upgraded and 1,89,897 km length road has been provided under new connectivity up to March 2012.

4. Electricity The Ministry of Power launched Rajiv Gandhi Grameen Viduytikaran Yojana (RGGVY) as one of its flagship programme in March 2005 with the objective of electrifying over one

lakh un-electrified villages and to provide free electricity connections to 2.34 crore rural BPL households. This programme has been brought under the ambit of Bharat Nirman. Under RGGVY, electricity distribution infrastructure is envisaged to establish Rural Electricity Distribution Backbone (REDB) with at least a 33/11 KV sub-station in a block, Village Electrification Infrastructure (VEI) with at least a Distribution Transformer in a village or hamlet, and standalone grids with generation where grid supply is not feasible.

Subsidy towards capital expenditure to the tune of 90% is being provided, through Rural Electrification Corporation Limited (REC), which is a nodal agency for implementation of the scheme. Electrification of un-electrified Below Poverty Line (BPL) households is being financed with 100% capital subsidy @ ₹2200 per connection in all rural habitations.

Rural Electrification Corporation is the nodal agency for implementation of the scheme. The services of Central Public Sector Undertakings (CPSU) are available to the states for assisting them in the execution of Rural Electrification projects. The Management of Rural Distribution is mandated through franchisees.

The target is to take electricity to all villages and offer electricity connection to 1.75 crore poor households by 2012. By November 2011, 1.75 lakh BPL households were electrified. One lakh unelectrified villages were electrified against a target of electrification of 1.0 lakh unelectrified villages.

5. Housing Rural Housing is one of the six components of the Bharat Nirman package. The rural housing programme is implemented by the Ministry of Rural Development through the Indira Awaas Yojana scheme, which is a centrally sponsored scheme where the cost is shared between the Centre and the states on a 75 : 25 basis. The criteria adopted for allocation of financial resources between the States/UTs gives greater emphasis to the states with higher incidence of shelterlessness. Seventy-five per cent weightage is given to housing shortage and 25% weightage to the poverty ratios prescribed by the Planning Commission for state-level allocations. For district-level allocations, 75% weightage is given again to housing shortage and 25% to SC/ST component of the population.

Against a target of construction of 60 lakh houses, 71.76 lakh houses were constructed during the Phase-I of Bharat Nirman under the component of Housing and against a target of construction of 120 lakh houses, 95.1 lakh houses were constructed upto September, 2012.

6. Rural Telephone Connectivity The Department of Telecommunications in the Ministry of Communications and Information Technology has the responsibility of providing telephone connectivity to the 66,822 villages that remain to be covered. The resources for implementation of universal services obligation are raised through a Universal Service Levy which has presently been fixed at 5% of the adjusted gross revenue of all telecom service providers except the pure value-added service providers like internet, voice mail, e-mail service providers. The rules also make a provision for the Central Government to give grants and loans to the fund. The balance to the credit of the fund does not lapse at the end of the financial year.

Under Rural Telephony component of Bharat Nirman programme Phase II, the objective is to achieve 40 per cent rural telephony by the year 2014, ensure broadband coverage to all 2.5 lakh Panchayats and set up Bharat Nirman Seva Kendras at Panchayat level by 2012. As on August 2011, rural teledensity of 36.23 per cent was achieved and broadband coverage was extended to 1,38,434 village Panchayats till September, 2011. 62,101 village telephones were provided against a target of 62,302 of VPTs.

JAWAHARLAL NEHRU NATIONAL URBAN RENEWAL MISSION

The Jawaharlal Nehru National Urban Renewal Mission (JNNURM) was launched in 2005 as a flagship programme for urbanisation. The duration of the JNNURM was seven years from 2005–06 to 2011–12. Later, this duration has been extended by three years upto 2014–15 for completion of on-going projects and reforms.

The aim of JNNURM is to encourage reforms and fast-track planned development of identified cities. The focus is on efficiency in urban infrastructure and service delivery mechanisms, community participation, and accountability of ULBs/Parastatal agencies towards citizens.

Objectives

The objectives of the JNNURM are to ensure that the following are achieved in the urban sector :

- (a) Focussed attention to integrated development of infrastructure services in cities covered under the Mission;
- (b) Establishment of linkages between asset-creation and asset-management through a slew of reforms for long-term project sustainability;
- (c) Ensuring adequate funds to meet the deficiencies in urban infrastructural services;
- (d) Planned development of identified cities including peri-urban areas, outgrowths and urban corridors leading to dispersed urbanisation;
- (e) Scale-up delivery of civic amenities and provision of utilities with emphasis on universal access to the urban poor;
- (f) Special focus on urban renewal programme for the old city areas to reduce congestion; and
- (g) Provision of basic services to the urban poor including security of tenure at affordable prices, improved housing, water supply and sanitation, and ensuring delivery of other existing universal services of the government for education, health and social security.

Components

The JNNURM comprises two Sub-Missions, namely :

- (i) Urban Infrastructure and Governance (UIG) (Sub-mission I)
- (ii) Basic Services to the Urban Poor (BSUP) (Sub-mission II)

There are, in addition, two other components :

- (i) Urban Infrastructure Development Scheme for Small & Medium Towns (UIDSSMT)
- (ii) Integrated Housing and Slum Development Programme (IHSDP)

The UIG and BSUP are for select 65 large cities and cities of religious/historical/tourist importance while the all other cities/towns are covered under UIDSSMT and IHSDP.

The Ministry of Housing & Urban Poverty Alleviation is the nodal Ministry for BSUP and IHSDP whereas the Ministry of Urban Development is the nodal Ministry for UIG and UIDSSMT.

The scope of the two Sub-Missions is as follows:

Sub-Mission for Urban Infrastructure and Governance The main thrust of the Sub-Mission is on

infrastructure projects relating to water supply and sanitation, sewerage, solid waste management, road network, urban transport and redevelopment of old city areas with a view to upgrading infrastructure therein, shifting industrial and commercial establishments to conforming areas, etc.

Sub-Mission for Basic Services to the Urban Poor The main thrust of the Sub-Mission is on integrated development of slums through projects for providing shelter, basic services and other related civic amenities with a view to providing utilities to the urban poor.

Strategy

The objectives of the Mission are met through the adoption of the following strategy:

- (1) **Preparing City Development Plan:** Every city is expected to formulate a City Development Plan (CDP) indicating policies, programmes and strategies, and financing plans.
- (2) **Preparing Projects:** The CDP would facilitate identification of projects. The Urban Local Bodies (ULBs)/parastatal agencies are required to prepare Detailed Project Reports (DPRs) for undertaking projects in the identified spheres. It is essential that projects are planned in a manner that optimises the life-cycle cost of projects. The life-cycle cost of a project would cover the capital outlays and the attendant O&M costs to ensure that assets are in good working condition. A revolving fund would be created to meet the O&M requirements of assets created, over the planning horizon. In order to seek JNNURM assistance, projects would need to be developed in a manner that would ensure and demonstrate optimisation of the life-cycle costs over the planning horizon of the project.
- (3) **Release and Leveraging of Funds:** It is expected that the JNNURM assistance would serve to catalyse the flow of investment into the urban infrastructure sector across the country. Funds from the Central and state government flows directly to the nodal agency designated by the state, as grants-in-aid. The funds for identified projects across cities would be disbursed to the ULB/Parastatal agency through the designated State Level Nodal Agency (SLNA) as soft loan or grant-cum-loan or grant. The SLNA / ULBs in turn would leverage additional resources from other sources.
- (4) **Incorporating Private Sector Efficiencies:** In order to optimise the life-cycle costs over the planning horizon, private sector efficiencies can be inducted in development, management, implementation and financing of projects, through Public Private Partnership (PPP) arrangements.

Expected Outcome

On completion of the Mission period, it is expected that ULBs and parastatal agencies will have achieved the following:

- (1) Modern and transparent budgeting, accounting, financial management systems, designed and adopted for all urban service and governance functions
- (2) City-wide framework for planning and governance will be established and become operational
- (3) All urban residents will be able to obtain access to a basic level of urban services
- (4) Financially self-sustaining agencies for urban governance and service delivery will be

- established, through reforms to major revenue instruments
- (5) Local services and governance will be conducted in a manner that is transparent and accountable to citizens
 - (6) E-governance applications will be introduced in core functions of ULBs/Parastatal resulting in reduced cost and time of service delivery processes.

RAJIV AWAS YOJANA

The Rajiv Awas Yojana (RAY) was launched in the year 2011 in two phases; the preparatory phase for a period of two years which ended in June 2013 and implementation phase. In September 2013, the Central Government has approved the implementation phase for the period of 2013–2022.

The salient features of RAY are as follows:

1. **Vision** The RAY envisages a “Slum Free India” with inclusive and equitable cities in which every citizen has access to basic civic infrastructure, social amenities and decent shelter.
2. **Mission** The Mission of RAY is to encourage States/Union Territories (UTs) to tackle slums in a definitive manner, by focusing on:
 - (i) Bringing all existing slums, notified or non-notified (including recognised and identified) within the formal system and enabling them to avail the basic amenities that is available for the rest of the city/UA;
 - (ii) Redressing the failures of the formal system that lie behind the creation of slums by planning for affordable housing stock for the urban poor and initiating crucial policy changes required for facilitating the same.
3. **Objectives** The objectives of the RAY are as follows:
 - (i) Improving and provisioning of housing, basic civic infrastructure and social amenities in intervened slums.
 - (ii) Enabling reforms to address some of the causes leading to creation of slums.
 - (iii) Facilitating a supportive environment for expanding institutional credit linkages for the urban poor.
 - (iv) Institutionalising mechanisms for prevention of slums including creation of affordable housing stock.
 - (v) Strengthening institutional and human resource capacities at the Municipal, City and State levels through comprehensive capacity building and strengthening of resource networks.
 - (vi) Empowering community by ensuring their participation at every stage of decision making through strengthening and nurturing Slum Dwellers’ Association/Federations.
4. **Scope** The RAY is implemented in a mission mode and provides financial support to States/UTs/Urban Local Bodies (ULBs)/Central Government Agencies, for providing housing and improvement of basic civic infrastructure and social amenities in each selected slums. Rental and transit housing are admissible under the scheme. Operation and maintenance (O&M) of assets created under this scheme are also eligible for funding.

The RAY also extends financial support to states for creation of affordable housing stock through public-private partnership (PPP) under the Affordable Housing in Partnership (AHP) component of the scheme.
5. **Coverage** The scheme is applicable to all cities/UAs of the country. The selection for seeking assistance under the scheme is made by the states in consultation with the Centre. The

cities/UAs covered under preparatory phase of RAY are automatically included under implementation phase of RAY.

Further, the scheme is applicable to all slums within a city, whether notified or non-notified (including identified and recognised), whether on lands belonging to Central Government or its Undertakings, Autonomous bodies created under the Act of Parliament, State Government or its Undertakings, Urban Local Bodies or any other public agency and private sector. It is also applicable to “urbanised villages” inside the planning area of the city, urban homeless and pavement dwellers.

- 6. Implementation Approach** Two-step implementation strategy is adopted i.e., preparation of Slum-free City Plans of Action on ‘whole city’ basis and Detailed Project Reports (DPRs) on ‘whole slum’ basis for selected slums.

The strategy to tackle slums would need to be in two parts—(a) Curative Strategy for slum redevelopment of all existing slums; and (b) Preventive Strategy for containment of growth of future slums.

- 7. Affordable Housing in Partnership Scheme** In order to increase affordable housing stock, as part of the preventive strategy, Affordable Housing in Partnership (AHP) is implemented as part of the scheme. The Central support is provided at the rate of ₹75,000 per EWS/LIG DUs (Dwelling Units) for housing and internal development components in affordable housing projects taken up under various kinds of partnerships. A project size of minimum 250 dwelling units are considered under the scheme.

- 8. Credit Risk Guarantee Fund** A Credit Risk Guarantee Fund has been created to guarantee the lending agencies for loans to new EWS/LIG borrowers in urban areas seeking individual housing loans not exceeding a sum of ₹5 lakh for a housing unit.

NATIONAL URBAN LIVELIHOODS MISSION

In 2013, the Swarna Jayanti Shahari Rozgar Yojana (SJSRY) was restructured and renamed as the National Urban Livelihoods Mission (NULM). The SJSRY was launched in 1997 to provide gainful employment to the urban unemployed and underemployed poor.

The objective of NULM is to reduce poverty and vulnerability of the urban poor households by enabling them to access gainful self-employment and skilled wage employment opportunities. This should result in an appreciable improvement in their livelihoods on a sustainable basis, through building strong grassroots level institutions of the poor. The mission also aims at providing shelter equipped with essential services to the urban homeless in a phased manner. In addition, the mission also addresses livelihood concerns of the urban street vendors.

The NULM is implemented in all District Headquarter Towns and all other cities with a population of 100,000 or more. The target of NULM is the urban population identified as below poverty line population in urban areas by the States/UTs. The coverage may be broadened to include families of disadvantaged groups like SCs, STs, women, minorities, disabled etc. subject to a maximum of 25 per cent of the above urban poor population.

The financing of the mission is shared between the Centre and the States/UTs in the ratio of 75 : 25 and in the case of North Eastern and special category states, the ratio is 90 : 10.

The NULM has the following components:

- 1. Social Mobilisation and Institution Development** NULM envisages universal social

mobilisation of urban poor into Self-Help Groups (SHGs) and their federations. At least one member from each urban poor household, preferably a woman, should be brought under the Self-Help Group network in a time-bound manner. These groups will serve as a support system for the poor, to meet their financial and social needs.

2. **Capacity Building and Training** The objective of this component is to establish timely and high quality technical assistance at Central, State and City levels to roll out and implement NULM. A National Mission Management Unit (NMMU) is established at the Centre. Additionally, support to states and cities is provided for setting-up of State Mission Management Unit (SMMU) and City Mission Management Unit (CMMU).
3. **Employment Through Skills Training and Placement** This component focuses on providing assistance for development/upgrading of the skills of the urban poor so as to enhance their capacity for self-employment and salaried employment.
4. **Self-Employment Programme** This component focuses on financial assistance to individuals/groups of urban poor for setting up gainful self-employment ventures / micro-enterprises, suited to their skills, training, aptitude and local conditions.
5. **Support to Urban Street Vendors** This component aims at skilling of street vendors, support micro-enterprise development, credit enablement and pro-vending urban planning along with supporting social security options for vulnerable groups such as women, SCs/STs and minorities.
6. **Scheme of Shelter for Urban Homeless** The objective of this scheme is to provide shelter and all other essential services to the poorest of the poor segment of urban societies. The shelters should be permanent all-weather shelters for the urban homeless.
7. **Innovative and Special Projects** This component focuses on the promotion of novel initiatives in the form of innovative projects. These initiatives may be in the nature of pioneering efforts, aimed at catalysing sustainable approaches to urban livelihoods through Public, Private, Community Partnership (P-P-CP), demonstrating a promising methodology or making a distinct impact on the urban poverty situation through scalable initiatives.

INTEGRATED LOW COST SANITATION SCHEME

Background

As per Allocation of Business Rules, sanitation relating to urban areas, sewerage and drainage are the subjects allocated to Ministry of Urban Development. However, Ministry of Housing and Urban Poverty Alleviation (HUPA) has been made the nodal ministry to monitor the implementation of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, which prohibits construction and/or maintenance of dry latrines and employment of manual scavengers. The obnoxious practice of manual scavenging or engaging fellow human beings into cleaning the untreated human excreta is a blot on the society. The Government of India is deeply concerned about liberation of manual scavengers from the inhuman task of carrying night soil.

The Integrated Low Cost Sanitation (ILCS) Scheme aims at conversion of individual dry latrines into pour flush latrines thereby liberating manual scavengers from the age old, obnoxious practice of manually carrying night soil. The ILCS Scheme was initially started in 1980-81 through the Ministry

of Home Affairs and later was being implemented through Ministry of Social Justice and Empowerment. The scheme was transferred in 1989-90 to Ministry of Urban Development and Poverty Alleviation and from 2003-04 onwards to Ministry of HUPA which revised the guidelines in January 2008.

Revised Scheme

Under the revised guidelines of the ILCS scheme, funds for conversion of 2,51,963 and construction of 1,55,937 units have been approved to the States of Bihar, Uttar Pradesh, Jammu & Kashmir, West Bengal, Kerala, Manipur, Nagaland, Madhya Pradesh, Maharashtra, Uttarakhand, Tripura, Rajasthan, Chhattisgarh, Jharkhand and Odisha.

Since, state governments had informed successfully converting all reported dry latrines under ILCS Scheme during the Eleventh Plan period, the scheme was proposed to be discontinued during the 12th Plan Period. However, the provisional figures released by Census of India, 2011 highlighted that there are 7,94,390 latrines serviced by humans out of which 2, 08,323 are located in urban areas. In view of the provisional figures on latrines serviced by humans released by the Census of India 2011, it has been decided to extend the Integrated Low Cost Sanitation Scheme with revised features and cost estimates in the Twelfth Plan to cover all existing dry latrines which are serviced by human beings. The approval of Cabinet Committee on Economic Affairs (CCEA) has been received in November 2012 at a total subsidy of ₹367.16 crore.

New Features

The continued ILCS has following new features:

1. To increase the unit of cost of twin pit pour flush latrines from ₹10,000 to ₹15,000 (for hilly areas from ₹12,500 to ₹18,750).
2. When the states decide to adopt environment friendly and maintenance free technologies like bio-toilets/eco-san toilets or any other such innovative technologies, an additional funding up to 15% over and above the normal cost are provided. Unit cost of bio-toilets/eco-san toilets for general category is ₹17,250 (for hilly areas ₹21,563).
3. The other components of ILCS scheme are to continue as per the existing guidelines.
4. All sanctions under the scheme are to be completed by the year 2014.

RAJIV RINN YOJANA

The Rajiv Rinn Yojana (RRY) is an instrument to address the housing needs of the EWS/LIG segments in urban areas, through enhanced credit flow. It is also formulated to channelise institutional credit to the poorer segments of the society and increasing home ownership in the country along with addressing housing shortage.

The RRY has been formulated by modifying the Interest Subsidy Scheme for Housing the Urban Poor (ISHUP) piloted in the Eleventh Plan period with enhanced scope and coverage. The RRY is a Central Sector Scheme applicable in all the urban areas of the country.

The tenure of ISHUP expired on September 30, 2013 and Rajiv Rinn Yojana is effective from

October 1, 2013. The salient features of the scheme are mentioned below:

1. **Purpose** The scheme provides home loan with Central Government interest subsidy to EWS/LIG persons for acquisition/construction of house. Assistance is also available to such of the EWS/LIG beneficiaries who intend to make additions to the existing dwelling units. Such beneficiaries who own land in any urban area but do not have any pucca house is also covered under the scheme.
2. **Eligibility** The economic parameter of EWS is defined as households having an average annual income up to ₹1,00,000 and the economic parameter of LIG is defined as households having an average annual income between ₹1,00,001 and ₹2,00,000.
3. **Loan Amount Admissible** The scheme provides an interest subsidy for a maximum amount of ₹5,00,000 for an EWS individual for a house. Additional loans, if needed would be at unsubsidised rates. The loan tenure can be between 15–20 years.
A maximum loan amount of ₹8,00,000 for an LIG individual is admissible. However, subsidy is given for loan amount up to ₹5 lakh only. Additional loan amount between ₹5 lakh and ₹8 lakh, if taken would be at unsubsidised rates. The loan tenure can be between 15–20 years.
4. **Subsidy** The subsidy is 5% p.a. on interest charged on the admissible loan amount for EWS and LIG, for construction or acquisition of a new house or for carrying out addition to the existing building.
5. The Central Nodal Agencies (CNA) for the scheme are the National Housing Bank (NHB) and Housing & Urban Development Corporation Ltd. (HUDCO). The nodal agencies will not lend directly to the borrower but through banks or Housing Finance Companies (HFCs) who agree to be part of the scheme.
6. The scheme will currently close on March 31, 2017, the last year of the Twelfth Five Year Plan Period (2012–17). However, the loans extended in the last year will also have repayment period up to 15–20 years and suitable budgetary provisions will be made thereafter.
The scheme will be monitored and concurrently evaluated independently at the end of the Twelfth Plan, i.e., in the year 2017. A decision about continuation in the present form or the amended form will be taken on the basis there of.
7. State governments are allowed to dovetail their state housing schemes with RRY.
8. An amount of 2.5% of the scheme funds area earmarked for IEC, A&OE, PMU and MIS.
9. **Selection of Beneficiaries** The borrowers under the scheme must belong to the EWS or LIG, and must have a plot of land for the construction or have identified a purchasable house as part of a group housing/apartment scheme or an existing house where addition to the living space is intended to be made. Borrowers would be free to approach and negotiate a loan under the scheme directly with the lender. However, it is envisaged that such borrowers would be few. Most borrowers and lenders would require the intercession of state Governments/Urban Local Bodies (ULBs) to identify borrowers with land, help them with preparation of papers and liaise for them with the lenders.
10. The voluntary NGOs may also be involved by State Governments/ULBs in building awareness about the scheme among the urban poor. The applications duly filled through NGOs may also be accepted by the Banks and HFCs.
11. In identifying beneficiaries, the ULB or the local agency identified by the state should as far as possible identify clusters in which land has been allotted and housing can be supported through this scheme within such clusters. The preference under the scheme (subject to

beneficiaries being from EWS/LIG segments) should be given to Women, Scheduled Caste, Scheduled Tribe, Minorities and Persons with disabilities.

12. **Applicants** Applicants planning to form cooperative group housing societies or organisations like Employees Welfare Housing, Labour Housing, etc. should be given preference and wherever possible construction of houses by such cooperatives by way of 1+3 storeyed buildings should be promoted so that cost of land is shared among beneficiaries. However, this is not a mandatory requirement. Both individuals as well as Group Housing borrowers are equally eligible under the scheme.

TWENTY POINT PROGRAMME

The Twenty Point Programme (TPP) was launched by the Government of India in the year 1975 and restructured in the year 1982, 1986 and again in 2006. The restructured programme, known as Twenty-Point Programme (TPP) – 2006, became operational from 2007. The programme is meant to give a thrust to schemes relating to poverty alleviation, employment generation in rural areas, housing, education, family welfare and health, protection of environment and many other schemes having a bearing on the quality of life, especially in the rural areas.

The programmes and schemes under the TPP-2006 are in harmony with the priorities contained in the National Common Minimum Programme (NCMP), the Millennium Development Goals (MDGs) of the United Nations and SAARC Social Charter. The original nomenclature, namely the Twenty-Point Programme, which has been in existence for more than three decades and carries the stamp of familiarity among the people and administrative agencies, has been retained.

The Twenty-Point Programme (TPP)–2006 originally consisted of 20 points and 66 items being monitored individually by Central Nodal Ministries concerned. From 2008, Sampoorna Grameen Rojgar Yojana (SGRY) has been merged with another item namely “National Rural Employment Guarantee Act” which has now been renamed as Mahatma Gandhi National Rural Employment Guarantee Act from 2009. Therefore, SGRY has been dropped from the list of 66 items and only 65 items are now monitored under TPP–2006 since 2008–09. The 65 items are given as follows in [Table 17.4](#).

Table 17.4 Items Covered Under Twenty-Point Programme

<i>Point No.</i>	<i>Item No.</i>	<i>Name of the Points / Items</i>
I.		Poverty Eradication
		<i>Rural Areas:</i>
	1.	Employment Generation under the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)
	2.	Swaranjayanti Gram Swarajgar Yojana (SGSY)
	3.	Rural Business Hubs in Partnership with Panchayats
	4.	Self-Help Groups
		<i>Urban Areas:</i>
	5.	Swaranjayanti Shehari Rojgar Yojana
II.		Power to People

6. Local Self Government (Panchayati Raj and Urban Local Bodies)
 - Activity Mapping for Devolution of Functions
 - Budget Flow of Funds
 - Assignment of Functionaries
7. Quick and Inexpensive Justice – Gram Nyayalayas and Nyaya Panchayats.
8. District Planning Committees.
- III. Support to Farmers**
 9. Water Shed Development
 10. Marketing and Infrastructural Support to Farmers
 11. Irrigation Facilities (Including Minor and Micro Irrigation) for Agriculture
 12. Credit to Farmers
 13. Distribution of Waste Land to the Landless
- IV. Labour Welfare**
 14. Social Security for Agricultural and Unorganised Labour
 15. Minimum Wages Enforcement (including Farm Labour)
 16. Prevention of Child Labour
 17. Welfare of Women Labour
- V. Food Security**
 18. Food Security:
 - (i) Targeted Public Distribution System,
 - (ii) Antyodaya Anna Yojana,
 - (iii) Establishing Grain Banks in Chronically Food Scarcity Areas
- VI. Housing for all**
 19. Rural Housing — Indira Awaas Yojana
 20. EWS/LIG Houses in Urban Areas
- VII. Clean Drinking Water**
 21. Rural Areas:
 - National Rural Drinking Water Programme (NRDWP)
 22. Urban Areas:
 - Accelerated Urban Water Supply Programme
- VIII. Health for all**
 23. Control and Prevention of Major Diseases:
 - (a) HIV/AIDS (b) TB (c) Malaria (d) Leprosy (e) Blindness
 24. National Rural Health Mission
 25. Immunisation of Children
 26. Sanitation Programme in

- Rural Areas
- Urban Areas
- 27. Institutional Delivery
- 28. Prevention of Female Foeticide
- 29. Supplementary Nutrition for Mothers and Children
- 30. Two-Child Norm
- IX. Education for all**
- 31. Sarva Shiksha Abhiyan
 - Compulsory Elementary Education
- 32. Mid-Day Meal Scheme
- X. Welfare of Scheduled Castes, Scheduled Tribes, Minorities and OBCs**
- 33. SC Families Assisted
- 34. Rehabilitation of Scavengers
- 35. ST Families Assisted
- 36. centers of Forest Dwellers – Owners of Minor Forest Produce
- 37. Particularly Vulnerable Tribal Groups (PTGs)
- 38. No Alienation of Tribal Lands
- 39. Implementation of Panchayats (Extension to Scheduled Areas) Act [PESA]
- 40. Welfare of Minorities
- 41. Professional Education Among all Minority Communities
- 42. Reservation of OBCs in
 - Education
 - Employment
- XI. Women Welfare**
- 43. Financial Assistance for Women Welfare
- 44. Improved Participation of Women in
 - (a) Panchayats (b) Municipalities (c) State Legislatures
 - (d) Parliament
- XII. Child Welfare**
- 45. Universalisation of ICDS Scheme
- 46. Functional Anganwadis
- XIII. Youth Development**
- 47. Sports for all in Rural and Urban Areas
- 48. Rashtriya Sadbhavana Yojana
- 49. National Service Scheme (NSS)
- XIV. Improvement of Slums**
- 50. Number of Urban poor families assisted under seven-point charter viz., land tenure, housing at affordable cost, water, sanitation, health, education, and social security.

XV.		Environment Protection and Afforestation
	51.	Afforestation
		(a) Area Covered Under Plantation on – Public and Forest Lands
		(b) Number of Seedlings Planted on – Public and Forest Lands
	52.	Prevention of Pollution of Rivers and Water Bodies
	53.	Solid and Liquid waste management in
		– Rural Areas
		– Urban Areas
XVI.		Social Security
	54.	Rehabilitation of Handicapped and Orphans.
	55.	Welfare of the Aged
XVII.		Rural Roads
	56.	Rural Roads – PMGSY
XVIII.		Energisation of Rural Area
	57.	Bio-Diesel Production
	58.	Rajiv Gandhi Grameen Vidyutikaran Yojana
	59.	Renewable Energy
	60.	Energising Pump Sets
	61.	Supply of Electricity
	62.	Supply of Kerosene and LPG
XIX.		Development of Backward Areas
	63.	Backward Regions Grants Fund (BRGF)
XX.		IT Enabled E-Governance
	64.	Central and State Governments
	65.	Panchayats and Municipalities

MEMBER OF PARLIAMENT LOCAL AREA DEVELOPMENT SCHEME

The Member of Parliament Local Area Development Scheme (MPLADS) was launched in 1993 to provide a mechanism for Members of Parliament to recommend works of developmental nature for creation of durable community assets and for provision of basic facilities including community infrastructure, based on locally felt needs. Thus, addressing locally felt developmental and infrastructural needs and bridging the gap for developmental works is envisaged under the Scheme.

The salient features of the MPLAD Scheme are as follows:

1. MPLADS is a Plan scheme under which funds are released in the form of Grant-in-aid, as Special Central Assistance to States.
2. Works which are developmental in nature, based on locally felt needs and always available for public use at large, are eligible under the scheme.

3. The Members of Parliament have a recommendatory role under the Scheme. The MPs recommend the works based on locally felt needs to the concerned District Authorities who get the works implemented by following the established procedure of the concerned state government.
4. Examining the eligibility, sanctioning, funding, selection of implementing agencies, prioritisation and overall execution and monitoring of the scheme at the ground level, is done by the district authorities.
5. The Lok Sabha Members can recommend works in their respective constituencies. The elected members of the Rajya Sabha can recommend works anywhere in the state from which they are elected. Nominated Members of the Lok Sabha and Rajya Sabha may select works for implementation anywhere in the country.
6. The funds released under the scheme are non-lapsable, i.e., the liability of funds not released in a particular year is carried forward for making releases in the subsequent years subject to eligibility. The annual entitlement per MP is ₹5 crore from 2011–12. In 1993–94, when the scheme was launched, an amount of ₹5 lakh per MP was allotted which was enhanced to ₹1 crore per annum from 1994–95 per MP constituency. This was further increased to ₹2 crore from 1998–99. Now it has been increased from ₹2 crore to ₹5 crore from 2011–12.
7. Important items of work like drinking water, education, public health, and funds for development of SC/ST are given priority.
8. There is no limit for a work to be executed by government agencies. There is a ceiling of ₹25 lakh for the works to any Trust/Society. Also to encourage Trusts/Societies to work for the betterment of the tribal people, the ceiling of ₹25 lakh has been increased to 37.50 lakh where the additional amount of ₹12.50 lakh should be used for the creation of public utility building assets primarily for the benefit of tribal people exclusively in the notified tribal CD blocks with more than 50% tribal population.
9. MPLADS emphasises work relating to provision of drinking water in the notified drought affected districts, such as hand pumps for drinking water, storage tanks, reservoirs, community rain water harvesting, etc.
10. The maximum limit for rehabilitation work in areas affected by severe calamities is now ₹50 lakh.
11. In order to give special attention to development of areas inhabited by Scheduled Castes and Scheduled Tribes, 15% of MPLADS funds would be utilised for areas inhabited by SC population and 7.5% for areas inhabited by ST population and if there is no tribal population in the constituency of the Lok Sabha members of Parliament, they can recommend works within their state of election upto 7.5% of their annual entitlement in the notified CD blocks with more than 50% tribal population.
12. The role of Panchayati Raj Institutions and Urban Local Bodies as Implementing Agencies is stressed.
13. Release of first installment equal to 50% of annual entitlement in respect of MPs at the time of constitution of Lok Sabha and election to the Rajya Sabha is done automatically without waiting for any document from district authorities.
14. To bring in more financial accountability, Utilisation Certificate for the previous financial year and the Audit Certificate for the funds released in the year prior to the previous year are also pre-requisites for the release of the second instalment. From 2012–13, release of first instalment is made on the basis of the release of second instalment of previous year being

made and also provisional Utilisation Certificate to be given by the District Authority in respect of 80% of entitlement of first instalment of previous year.

15. Funds received by the Government of India are deposited by the District Administrations in nationalised banks.
16. The normal financial and audit procedures prevalent in the states in which the works are executed apply with regard to the implementation of the works.
17. The roles of Central Government, State Government, District Authorities and Implementing Agencies have been clearly demarcated for implementation of MPLAD Scheme.
18. The MPLADS Parliamentary Committee of the Lok Sabha and Rajya Sabha make suggestions and recommendations to the Ministry of Statistics and Programme Implementation on representations received from MPs and issues raised by the MPs from time to time.
19. The role of the Central Government *inter-alia* is to monitor overall position of fund release, receipt of completion reports etc. and to bring out the annual report on the implementation of MPLADS.
20. The role of the State/UT Government *inter-alia* is to coordinate with the ministry as well as from district authorities for effective implementation of the scheme.
21. The role of the District Authority *inter-alia* is to inspect and monitor the works regularly.
22. The implementing agencies are to furnish physical and financial progress of each work to the District Authorities every month and also furnish completion report certificates.

One “MP–One Idea Scheme”

In the year 2012, the government announced a new scheme “One MP–One Idea” under the Member of Parliament Local Area Development Scheme (MPLADS). In order to foster, a grass-root bottoms-up approach to innovation and development and to arrive at solutions for local problems which are sustainable and scalable, there is a need for seeking out and campaigning for ideas that have the potential to solve challenges. Accordingly, based on the innovative ideas received from the local people regarding developmental projects, a ‘One MP–One Idea’ competition may be held in each Lok Sabha constituency annually to select the three best innovations for cash awards on the specific request of an MP to promote such a scheme in his/her constituency.

Under the scheme, the applications are invited for providing innovative solutions pertaining to social issues, especially in the area of education and skills, health, water and sanitation, housing and infrastructure, agriculture, energy, environment, community and social service, etc. These innovative solutions are evaluated in a transparent manner by a selection committee headed by the DC/DM of the Nodal District and consisting of six members from Engineering, Finance, Health and Sanitation, Academia, Industry and Banking and Financial Institutions.

The Member of Parliament awards Certificate of Honour along with cash award of ₹2.5 lakh, ₹1.5 lakh and ₹1 lakh to the first, second and third best innovative solutions respectively through his MPLAD funds in a public function. In addition, a Certificate of Appreciation is given to the next five best innovations. This scheme would inspire people to find innovative solutions to social and developmental problems.

WELFARE OF WOMEN

The Ministry of Women and Child Development (MWCD) and the Central Social Welfare Board (CSWB) are implementing various schemes and programmes for the welfare and development of women. These are explained as follows:

1. **Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (Sabla)**

A comprehensive scheme for the holistic development of adolescent girls called 'Rajiv Gandhi Scheme for Empowerment of Adolescent Girls' (Sabla) was introduced in the year 2010. Sabla is being implemented in 205 selected districts across the country, using the ICDS platform. In these districts, Sabla has replaced the Nutrition Programme for Adolescent Girls (NPAG) and Kishori Shakti Yojana (KSY). In the non-Sabla districts, KSY continues as before.

Sabla is being implemented through the State Governments/UTs with 100 per cent financial assistance from the Central Government for all inputs other than nutrition provision for which 50% Central assistance is provided to states. Anganwadi Centre is the focal point for the delivery of the services. Sabla aims at an all-round development of adolescent girls (AGs) of 11–18 years by making them self reliant by facilitating access to learning, health and nutrition through various interventions such as health, education, vocational training, etc.

The scheme has two major components, i.e., Nutrition and Non-Nutrition. Nutrition component containing 600 calories, 18-20 grams of protein and micronutrients per beneficiary per day for 300 days in a year is being given in the form of Take Home Ration or Hot Cooked Meal to 11–14 years out of school girls and all girls of 14–18 years age (out-of-school and in school girls). In the Non-Nutrition Component, the Out-of-school Adolescent Girls 11–18 years are being provided IFA supplementation, Health check-up and Referral services, Nutrition & Health Education, Counselling/Guidance on family welfare, Adolescent Reproductive Sexual Health (ARSH), child-care practices and Life Skill Education and accessing public services. 16–18-year-old AGs are also given vocational training.

2. **Indira Gandhi Matritva Sahyog Yojana (IGMSY)**

The IGMSY is a Conditional Cash Transfer Scheme for pregnant and lactating women. It was

introduced in the year 2010 to contribute to better enabling environment by providing cash incentives for improved health and nutrition to pregnant and nursing mothers.

The Scheme envisages providing cash to Pregnant & Lactating (P&L) women during pregnancy and lactation in response to individual fulfilling specific conditions. It addresses short-term income support objectives with long-term objective of behavioural and attitudinal changes. The scheme attempts to partly compensate for wage loss to Pregnant & Lactating women both prior to and after delivery of the child.

Being implemented on pilot basis in 53 selected districts using the platform of ICDS, 12.5 lakh P & L women are expected to be covered every year under IGMSY. The beneficiaries are paid ₹ 4000 in three installments per P & L woman between the second trimester and till the child attains the age of 6 months on fulfilling specific conditions related to maternal and child health. Pregnant women of 19 years of age and above for first two live births are eligible under the scheme. All Government/Public Sector Undertakings (Central and state) employees are excluded from the scheme as they are entitled for paid maternity leave. The wives of such employees are also excluded from the Scheme.

3. Support to Training & Employment Programme for Women (STEP)

The STEP scheme was launched as a Central Sector Scheme in 1986-87. The scheme aims to make a significant impact on women by upgrading skills for employment on a self-sustainable basis and income generation for marginalised and asset-less rural and urban women especially those in SC/ST households and families below poverty line. The key strategies include training for skill development, mobilising women in viable groups, arranging for marketing linkages and access to credit.

The scheme also provides for enabling support services in the form of health checkups, child-care, legal & health literacy, elementary education and gender sensitisation. The scheme envisages each project to thrive on a self sustainable basis with minimum governmental support and intervention even after the project period is over.

The scheme covers 10 sectors of employment i.e. Agriculture, Animal Husbandry, Dairying, Fisheries, Handlooms, Handicrafts, Khadi and Village Industries, Sericulture, Waste Land Development and Social Forestry. The scope and coverage of the scheme has been enlarged with the introduction of locally appropriate sectors.

4. Hostel for Working Women (WWH)

The Scheme of Hostel for Working Women envisages provision of safe and affordable hostel accommodation to working, single working woman, women working at places away from their home-town and for women being trained for employment.

The scheme has been revised with following salient features:

- (i) Financial assistance for construction of hostel building to be given only on public land.
- (ii) Financial assistance available for rent of the hostels run in rented premises also.
- (iii) Provision for maintenance grant of hostel building (maximum ₹ 5 lakh) and one-time non-recurring grant for furnishings for ₹ 7500 per beneficiary.

- (iv) State government agencies, Urban Municipal Bodies, Cantonment Boards, Civil Society Organisations, Panchayati Raj Institutions, Self Help Groups, recognised Colleges/Universities and Corporate or associations like CII, ASSOCHAM and FICCI included under the revised scheme.

Since its inception in 1972–73, 902 working women hostels have been sanctioned under the scheme all over the country benefiting about 67,284 working women.

5. Women Empowerment and Livelihood Programme in Mid-Gangetic Plains (Priyadarshini)

From the year 2011, the Ministry is administering IFAD assisted pilot project namely Women's Empowerment and Livelihoods Programme in the Mid-Gangetic Plains "Priyadarshini" in 13 blocks spread over five districts in Uttar Pradesh and two districts in Bihar. The Programme aims at holistic empowerment (economic and social) of vulnerable groups of women and adolescent girls in the project area through formation of women's Self Help Groups (SHGs) and promotion of improved livelihood opportunities. Over 1,00,000 households are to be covered under the project and 7,200 SHGs will be formed during the project period ending 2016–17. Though the focus of project is on livelihood enhancement, the beneficiaries will be empowered to address their political, legal and health problems issues through rigorous capacity building.

National Bank for Agriculture and Rural Development (NABARD) is the lead programme agency for the implementation through engagement of Resource NGOs and Field NGOs (FNGOs). FNGOs are envisaged to carry out all field level activities, whereas a Resource NGO (RNGO) has been envisioned to undertake activities relating to specialised capacity building and provide other technical support to all field level project functionaries to ensure effective implementation of the programme. The programme envisages giving training to the SHG members on topics such as income generation and allied activities, marketing of products and social issues, etc.

6. Swadhar (Scheme for Women in Difficult Circumstances)

Swadhar Scheme was launched by the Ministry during the year 2001-02 for the benefit of women in difficult circumstances with the following objectives:

- (i) To provide primary need of shelter, food, clothing and care to the marginalised women/girls living in difficult circumstances who are without any social and economic support;
- (ii) To provide emotional support and counselling to rehabilitate them socially and economically through education, awareness etc.;
- (iii) To arrange for specific clinical, legal and other support for women/girls in need; and
- (iv) To provide for help line or other facilities to such women in distress.

The Target Group/Beneficiaries under the scheme include the following:

- (i) Widows deserted by their families and relatives;
- (ii) Women prisoners released from jail and without family support;
- (iii) Women survivors of natural disaster who have been rendered homeless;
- (iv) Trafficked women/girls rescued or runaway from brothels;

- (v) Women victims of terrorist/extremist violence who are without any family support and without any economic means for survival;
- (vi) Mentally challenged women (except for the psychotic categories who require care in specialised environment in mental hospitals) who are without any support of family or relatives;
- (vii) Women with HIV/AIDS deserted by their family and without social/economic support.

The Scheme is being implemented through Social Welfare/Women and Child Welfare Department of State Government, Women's Development Corporations, Urban Local Bodies, reputed Public/Private Trust or Voluntary Organisations. At present, 311 Swadhar Homes are functioning across the country.

7. Scheme for Combating Trafficking

“Ujjawala”, a comprehensive scheme to combat trafficking was launched by the Ministry in the year 2007 and is being implemented mainly through NGOs. The Scheme has five components – Prevention, Rescue, Rehabilitation, Re-Integration and Repatriation of trafficked victims for commercial sexual exploitation.

The activities envisaged under the Scheme are:

- (i) Formation of community vigilance groups, adolescents groups, awareness creation and preparation of IEC material, holding workshops, etc.
- (ii) Safe withdrawal of victims from the place of exploitation.
- (iii) Rehabilitation of victims by providing them safe shelter, basic amenities, medical care, legal aid, vocational training and income generation activities.
- (iv) Re-integration of victims into society.
- (v) Provide support to cross-border victims for their safe repatriation to their country of origin.

Under the Scheme, assistance is provided to eligible organisations for undertaking the above activities.

8. Family Counselling Centers (FCCs)

The Family Counselling Centre programme was introduced in 1983 due to increasing violence against women specially dowry related cases. The centres provide counseling, referral and rehabilitative services to women and girls who are victims of atrocities, family maladjustments and social ostracism.

Through the centres, crisis intervention and trauma counselling is also provided in case of natural or manmade disasters. Public opinion on social issues affecting status of women is mobilised through this programme and awareness is created on welfare and development schemes being implemented by the Government.

The Counselling Centres work in close collaboration with the local administration, police, courts, free legal aids cells, medical and psychiatric institutions, vocational training centers, short stay homes etc.

9. Short Stay Home Programme

The objective of the Short Stay Homes programme is to rehabilitate women and girls who are facing social, economical and emotional setback due to family problem, exploitations, violence or being forced into prostitution.

Under Short Stay Home programme, temporary shelter to women and girls, medical care, counseling, occupational therapy, education and vocational training is provided according to the requirements of the inmates. The period of stay normally extends from six months to three years.

Under the programme, meetings have been held all over India with the functionaries of the voluntary organisations and rehabilitation officers for capacity building and improved networking so that the inmates are made self-reliant and can join the mainstream.

10. Awareness Generation Programme (AGP)

The Scheme aims to empower women by providing knowledge on issues ranging from health/nutrition to constitutional rights by providing information through organising awareness generation camp and to ensure their participation in development process and decision making. The scheme was reformulated in 1986-87.

Under the scheme, camps are organised throughout the country which provide a platform for women to come together to exchange their experiences and their ideas. Its main aim is to identify the needs of rural and poor women and to increase women's active participation in development and other allied programmes. Issues such as status of women, women & law, women & health, community health and hygiene, technology for women, environment and economy are being taken up in the camps with special focus on local burning issues/problems like female foeticide, domestic violence, trafficking, drug addiction and low sex ratio, etc.

11. Condensed Courses of Education for Adult Women (CCE)

The scheme of Condensed Courses of Education for Adult Women was initiated by CSWB to cater to the needs of adult girls/women who were drop outs from formal schools.

The main focus of the scheme is to ensure that contents of the course are need based and modified according to local requirement and simultaneously targeting various stages of educational levels of middle/high school and matric/secondary level courses for adult girls/women above the age of 15 years who could not join mainstream education.

12. Integrated Scheme for Women's Empowerment (ISWE)

The Integrated Scheme for Women's Empowerment is a pilot project for North East, designed to address the socio-economic need of the region for empowerment of women and development of children with the following objectives:

- (i) Mobilising community action.
- (ii) Converging available services and resources in the area.
- (iii) To address the felt needs of the area.

(iv) Income Generation through feasible and sustainable activities for women.

(v) Provide support services for health awareness, Career Counseling Centers, vocational training to prevent child trafficking, drug de-addiction.

The project is being implemented in three phases. A State Level Committee is formed in all the States with representatives from State Government Departments, social workers, local leaders and respective State Boards. The committee identifies and adopts the most backward districts of the State and also a Mother NGO having a good track record, adequate infrastructure and experience from the concerned area for implementation of the project. Motivational camps are conducted in identified areas in the States culminating into formation of Community Based Groups (CBG). The groups democratically decide the activity to be undertaken by them.

13. Gender Budgeting Scheme

Gender Budgeting is not an accounting exercise but an ongoing process to ensure that benefits of development reach women as much as men. It entails maintaining a gender perspective at various stages like programme/policy formulation, assessment of needs of target groups, review of existing policies and guidelines, allocation of resources, implementation of programmes, impact assessment, reprioritisation of resources, etc. A gender responsive budget is the culmination of this process.

Gender Budgeting involves dissection of the Government budget to establish its gender-differential impacts and to translate gender commitments into budgetary commitments. It does not seek to create a separate budget but to provide affirmative action to address the specific needs of women. It goes beyond allocation of resources for women, to cover tracking the utilisation of allocated resources, impact analysis and beneficiary incidence analysis of public expenditure and policy from a gender perspective.

To institutionalise Gender Budgeting in India, the setting up of Gender Budgeting Cells (GBCs) in all Ministries/Departments was mandated by the Ministry of Finance in 2004-05.

In 2004-05, the Ministry of Women and Child Development adopted “Budgeting for Gender Equity” as a Mission Statement. The Ministry as the nodal agency for Gender Budgeting has been undertaking several initiatives for taking it forward at the National and State levels. The Ministry has been following a three-pronged strategy to pursue the process of Gender Budgeting in the country:

- (i) Placing emphasis on and advocating for setting up of gender budgeting structures/mechanisms in all Ministries/Departments of the Government;
- (ii) Strengthening internal and external capacities and building expertise to undertake gender mainstreaming of policies/schemes/programmes; and
- (iii) Initiating the exercise of gender auditing of existing programmes, which would then feed into addressing gaps and strengthening service delivery mechanisms.

A Plan Scheme for Gender Budgeting was launched in the year 2008 during the Eleventh Plan period, for conducting trainings/workshops, capacity building, research surveys, etc. Under the Scheme, inter alia, the Ministry undertakes many programmes as well as provides financial support to Central/State Government agencies, for the purpose. This scheme is being continued in the Twelfth Plan.

WELFARE OF CHILDREN

The Ministry of Women and Child Development (MWCD) and the Central Social Welfare Board (CSWB) are implementing various schemes and programmes for the welfare and development of children. These are explained below:

1. Integrated Child Development Services (ICDS) Scheme

The Centrally Sponsored Scheme (CSS) of Integrated Child Development Services (ICDS) Scheme was launched in 1975. It is one of the flagship programmes of the Government of India and represents one of the world's largest and unique programmes for early childhood care and development. It is the foremost symbol of country's commitment to its children and nursing mothers, as a response to the challenge of providing pre-school non-formal education on one hand and breaking the vicious cycle of malnutrition, morbidity, reduced learning capacity and mortality on the other. The beneficiaries under the scheme are children in the age group of 0-6 years, pregnant women and lactating mothers.

Objectives The objectives of the scheme are as follows:

- (i) to improve the nutritional and health status of children in the age-group 0-6 years;
- (ii) to lay the foundation for proper psychological, physical and social development of the child;
- (iii) to reduce the incidence of mortality, morbidity, malnutrition and school dropout;
- (iv) to achieve effective co-ordination of policy and implementation amongst the various departments to promote child development; and
- (v) to enhance the capability of the mother to look after the normal health and nutritional needs of the child through proper nutrition and health education.

Package of Services The ICDS Scheme offers a package of six services, viz.,

- (i) supplementary nutrition
- (ii) pre-school non-formal education
- (iii) nutrition & health education
- (iv) immunisation
- (v) health check-up
- (vi) referral services

The last three services are related to health and are provided by Ministry/Department of Health and Family Welfare through NRHM & Health system.

The perception of providing a package of services is based primarily on the consideration that the overall impact will be much larger if the different services develop in an integrated manner as the efficacy of a particular service depends upon the support it receives from the related services.

For better governance in the delivery of the scheme, convergence is, therefore, one of the key features of the ICDS scheme. This convergence is in-built in the scheme which provides a platform in the form of Anganwadi Centres for providing all services under the Scheme.

Restructuring of ICDS In order to address various programmatic, management and institutional

gaps and to meet administrative and operational challenges, the Government has approved the Strengthening and Restructuring of ICDS Scheme with an allocation of ₹ 1,23,580 crore during the Twelfth Five Year Plan. The administrative approval in this regard has been issued to the States/UTs in October 2012. The key features of Strengthened and Restructured ICDS, inter-alia, include addressing the gaps and challenges with:

A. Programmatic Reforms

- (i) Repositioning the AWC as a “vibrant Early Child Development (ECD) centre” to become the first village outpost for health, nutrition and early learning – minimum of six hours of working, etc.
- (ii) Construction of AWC Building and revision of rent including up-gradation, maintenance, improvement and repair.
- (iii) Strengthening Package of Services-strengthening Early Childhood Care & Education (ECCE), focus on under-3s, Care and Nutrition Counselling service for mothers of under-3s and management of severe and moderate underweight.
- (iv) Improving Supplementary Nutrition Programme with revision of cost norms.
- (v) Management of severe and moderate underweight—identification and management of severe and moderate underweight through community based interventions, Sneha Shivirs, etc.
- (vi) Strengthening training and capacity as well as technical human resource, etc.

B. Management Reforms

- (i) Decentralised planning, management and flexible architecture introduction of Annual Programme of Implementation Plan (APIP) and flexibility to States for innovations.
- (ii) Ensuring convergence at all the levels including the grassroots level.
- (iii) Strengthening governance—including PRIs, civil society & institutional partnerships with proposed norm of up to 10% projects to be implemented in collaboration with such agencies.
- (iv) Strengthening of ICDS Management Information System (MIS).
- (v) Using Information, Communication Technology (ICT)—web-enabled MIS and use of mobile telephone and others.
- (vi) Deploying adequate human and financial resources with revision of some of the existing norms in components, training, etc. introducing new items, — pool of untied/flexi kind (for promoting voluntay action, local innovations, Anganwadi-cum-creche, addl worker and link worker, provision for children in special needs, etc).

C. Institutional Reforms

- (i) ICDS in Mission Mode with missions at National, State and District levels.
- (ii) Introducing APIPs and MoUs with States/UTs.
- (iii) Technical and management support for ICDS at various levels hitherto not available.
- (iv) Delivery of quality services with measured inputs, processes, outputs and outcomes.
- (v) Mission to report to the PM’s Council at national and to the CMs at the State level on Nutrition, child development including early learning, etc. State Child Development Society will be set up at the State level with powers to set up its District Units and fund transfer of the ICDS Mission will be channeled through the Consolidated Fund of the State. However, in the

event the State fails to transfer the funds within 15 days, it will be liable to pay interest on the amount on the pattern of releases for the Finance Commission funds.

- (vi) Nutrition Counsellor cum Additional Worker in 200 high-burden districts and link workers in other districts will be on demand by State Government approved through Annual Programme Implementation Plans (APIPs) by Empowered Programme Committee (EPC). Incentives proposed for link workers including Accredited Social Health Activist (ASHA) workers under National Rural Health Mission (NRHM) will be linked to outcomes.
- (vii) For those States not covered in the implementation plan during initial two years, two technical persons would be provided, until the State Mission Directorates are set up and functional.
- (viii) District Mission Unit would be set up as per the phasing plan of the ICDS Mission. Besides, District ICDS Cells to continue to operate as per existing norms and District Cells to be set up in those districts where the Cell is not there.
- (ix) Constitution of a Mission Steering Group (NMSG) and Empowered Programme Committee (EPC) at national and state levels for effective planning, implementation, monitoring and supervision of ICDS Mission.
- (x) Creation of a separate ICDS Mission Budget head to allow flexibility and integration within the child development and nutrition sectors and for convergent action with wider determinants of maternal and child under-nutrition.
- (xi) The ICDS Mission targets would be to attain three main outcomes namely; (a) Prevent and reduce young child under-nutrition (underweight children 0-3 years) by 10 percentage point; (b) Enhance early development and learning outcomes in all children 0-6 years of age; and (c) Improve care and nutrition of girls and women and reduce anaemia prevalence in young children, girls and women by one-fifth. Annual Health Survey (AHS) and District Level Household Survey (DLHS) to be used as baseline for measuring the outcomes of ICDS mission.
- (xii) To strengthen training and capacity building with the Broad Framework as part of the EFC.
- (xiii) To revise the rent for AWC building up to ₹ 750, ₹ 3000 and ₹ 5000 per month per unit for Rural/Tribal, Urban and Metropolitan cities respectively, revised norms for pre-school education (PSE) kits for ₹ 3000 per AWC p.a and ₹ 1500 per mini-AWC p.a; revised cost norms for two uniforms @ ₹ 325 each per annum per worker subject to overall budgetary allocations and piloting of crèche services in 5% of the AWCs.

Wheat Based Nutrition Programme (WBNP) Under the Wheat Based Nutrition Programme (WBNP), food grains viz., wheat, rice and other coarse grains are allocated at BPL rates to the states/UTs through the Department of Food & Public Distribution (DoFPD), for preparation of supplementary food in ICDS.

The Ministry is responsible for processing and approval of the proposals from the States/UTs for allocation of food grains in coordination with the DoFPD.

Anganwadi Karyakartri Bima Yojana (AKBY) The ICDS Scheme envisages Anganwadi Workers (AWWs) and Anganwadi Helpers (AWHs) as honorary workers who are paid a monthly honorarium. AKBY under the LIC's Social Security Scheme is one of the welfare measures extended to the grassroots functionaries of the ICDS Scheme.

The Government of India has introduced the Anganwadi Karyakatri Bima Yojana in the year 2004.

The premium under the scheme is ₹ 280 per annum per member out of which ₹ 100 is paid by LIC from Social Security Fund, ₹ 100 by the Government of India and ₹ 80 by the Anganwadi Worker/Helper (insured member).

ICDS Systems Strengthening and Nutrition Improvement Project In the year 2013, the Ministry of Women and Child Development launched a specific project called “ICDS Systems Strengthening and Nutrition Improvement Project (ISSNIP)” (formerly called ICDS-IV Project). The project is assisted by the International Development Association (IDA) of the World Bank.

The ISSNIP has been designed to supplement and provide value addition on the existing ICDS programme, through a process of systems strengthening at different levels of programme implementation. It also facilitates the select states/districts to experiment, innovate and conduct pilots of potentially more effective approaches to achieve the early childhood education and nutrition outcomes and offer evidences for scale up. The additional financial and technical support through the project is catalytic and is an important dimension of MWCD’s overall efforts to strengthen and restructure the ICDS programme. The project, inter-alia, supports building capacities of district and block level ICDS functionaries for development of District ICDS Action Plans and result-oriented monitoring and evaluation system. The project has four major components, viz.,

- (a) Institutional and systems strengthening in ICDS;
- (b) Community mobilisation and behaviour change communication;
- (c) Piloting multi-sectoral nutrition actions; and
- (d) Project Management, Technical Assistance and Monitoring & Evaluation.

The project is implemented in identified 162 districts having higher proportion of child under-nutrition across eight States, viz. Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Rajasthan, Uttar Pradesh and Andhra Pradesh. Besides, urban pilots are undertaken in and around NCR of Delhi and convergent nutrition action pilots in some selected districts in two non-project States, viz., Odisha and Uttarakhand.

2. Integrated Child Protection Scheme (ICPS)

The Ministry of Women & Child Devepment introduced, in 2009-10, a comprehensive scheme, namely, the Integrated Child Protection Scheme (ICPS) under which financial and technical support is provided to the State Governments/UT Administrations. ICPS brings several existing child protection programmes, under one umbrella, with improved norms. These include: (i) A Programme for Juvenile Justice; (ii) An Integrated Programme for Street Children; and (iii) Scheme for Assistance to Homes [Shishu Greh] to promote In-country Adoption. A number of new initiatives have also been incorporated, such as dedicated service delivery structures at State and district levels, child tracking system, sponsorship, fostercare, etc.

Objectives The objectives of the Scheme are to contribute to improvement in the well being of children in difficult circumstances, as well as to the reduction of vulnerabilities to situations and actions that lead to abuse, neglect, exploitation, abandonment and separation of children from their families. These will be achieved by: (i) improved access to and quality of child protection services; (ii) increased public awareness about the reality of child rights, situation and protection in India; (iii) clearly articulated responsibilities and enforced accountability of these responsibilities for child

protection; (iv) established and functioning structures at all government levels for delivery of statutory and support services to children in difficult circumstances; (v) evidence based monitoring and evaluation system.

Target Group ICPS focuses its activities on –

- (i) Children in Need of Care and Protection as listed in the Juvenile Justice (Care and Protection) Act, 2000.
- (ii) Children in conflict with law; who are alleged to have or have committed an offence.
- (iii) Children in contact with law; who have come into contact with the law as a victim, witness or under any other circumstance.
- (iv) Any other vulnerable child (including but not limited to) – children of migrant families, children living on the streets, child beggars, exploited/trafficked/drug affected children, children of prisoners, children of women in prostitution and children affected/infected with HIV/AIDS.

Major Components The services that are strengthened/introduced and provided finances for ICPS are:

- (a) Institutional Services: Shelter Homes; Children's Homes; Observation Homes; Special Homes; and Specialised services for children with special needs.
- (b) Service-delivery structures for the above services at Central, State and District levels.
- (c) Emergency outreach services for children in difficult circumstances through childline.
- (d) Open shelters for children in need in urban and semi-urban areas.
- (e) Family-based-non-institutional care through: Sponsorship; Foster Care; Adoption; and After-Care Programme.
- (f) Child Tracking System including a website for missing children.
- (g) Advocacy, public education and communication.
- (h) Training and capacity building.
- (i) General grants-in-aid for need based/innovative interventions.

Childline Services Childline is a 24-hour toll free emergency outreach telephone service (1098) for children in distress, being run by the Ministry through a mother NGO – Childline India Foundation (CIF). Any child requiring assistance, or adults on their behalf, can call the service for help. Childline personnel reach out to the child and provide necessary assistance through linkages with hospitals, Child Welfare Committees, Shelter Homes, police etc. This service was started in 1996.

3. Scheme for Welfare of Working Children in Need of Care and Protection

Objective The objective of the scheme is to provide opportunities for non-formal education and vocational training to working children to facilitate their entry/re-entry into mainstream education in cases where they have either not attended any learning system or where, for some reasons, their education has been discontinued. The scheme lends support to projects only in urban areas and does not support projects in areas covered by the existing schemes of the Ministry of Labour &

Employment. This scheme is being implemented since 2005.

Target Group This scheme provides support for the holistic development of child workers and potential child workers, especially those with none or ineffective family support such as children of slum/pavement dwellers/drug addicts, children living on railway platforms/along railway lines, children working in shops, dhabas, mechanic shops, children engaged as domestic workers, children whose parents are in jail, children of migrant/sex workers, leprosy patients, etc.

Components The programme components are:

- (a) Facilitating introduction and/or return to the mainstream education system as children at study are not children at work.
- (b) Counseling of parents, heads of families, relatives of the children so as to prevent their exploitation, and
- (c) Vocational training wherever necessary.

The Scheme is operated through the voluntary sector and Non-Governmental Organisations are eligible for financial assistance to set up composite centers under this scheme. The Ministry provides 90 per cent financial assistance and the concerned organisation is required to bear 10 per cent of the expenditure on the project as per the norms of the scheme.

4. Rajiv Gandhi National Creche Scheme for the Children of Working Mothers

Rajiv Gandhi National Creche Scheme for the Children of Working Mothers provides Day Care facilities to children in the age group 0-6 years from families with monthly income of less than ₹ 12000. In addition to being a safe space for the children, the crèches provide services such as supplementary nutrition, pre-school education and emergency health care, etc.

The scheme envisages implementation through the Central Social Welfare Board (CSWB), Indian Council for Child Welfare (ICCW) and Bhartiya Adim Jati Sevak Sangh (BAJSS).

The scheme provides grant of ₹ 3532 per month for a crèche, limited to 90% of the schematic pattern or actual expenditure, whichever is less; and the remaining expenditure is borne by the implementing agencies. Honorarium to creche workers is fully funded under the scheme.

The scheme has in-built component of monitoring of creche. State-wise independent monitoring agencies have been identified which include schools of Social Work, Women's Studies Centres and other reputed agencies. Grant for monitoring of creches is given @ ₹ 700 per crèche visited and inspected and a lump sum one time grant of ₹ 10000 to each monitoring agency. Every crèche is required to be inspected at least once in a period of two years.

5. Dhanlakshmi (Conditional Cash Transfer for Girl Child)

A pilot Scheme Dhanlakshmi was launched in 2008 with the objective of:

- (i) Providing a set of staggered financial incentives for families to encourage them to retain the girl child and educate her.
- (ii) Changing the attitudinal mindset of the family towards the girl, by looking upon the girl as an asset rather than a liability, since her very existence has led to cash inflow to the family.

(iii) Cash transfers are made under the Scheme to the family of the girl child (preferably the mother) on fulfilling the following conditions:

- (a) Birth registration of the girl child
- (b) Progress of immunisation
- (c) Full immunisation
- (d) Enrolment in school and retention in school

“Dhanlakshmi” is being implemented in 11 blocks across seven states on pilot basis and is being implemented by the state governments through the District Authorities.

6. Rajiv Gandhi Scheme for Empowerment of Adolescent Boys (Saksham)

In March 2014, the Ministry of Women & Child Development has launched a new scheme called Rajiv Gandhi Scheme for Empowerment of Adolescent Boys (RGSEAB) (Saksham) on pilot basis. The Saksham is operational in 20 districts from seven States/UTs, viz., Andhra Pradesh, Delhi, Madhya Pradesh, Odisha, Rajasthan, Uttar Pradesh and Sikkim. These districts have been selected from seven states/UTs on the basis of a composite index based on indicators relevant to the condition of adolescent boys across the country.

The Scheme aims at all-round development of Adolescent Boys (Abs) to make them self-reliant, gender-sensitive and aware citizens, when they grow up. The scheme covers all adolescent boys (both school going and out of school) in the age-group of 11 to 18 years.

The Scheme is implemented using the platform of Integrated Child Services Scheme. Anganwadi centres are the focal point for the delivery of services. However, where infrastructure and other facilities are inadequate in AWC, alternative arrangements have been made in schools/Panchayats or community buildings etc.

The Saksham is a centrally sponsored scheme, implemented by the State Government for which the Government of India and States/UTs shares the cost in ratio of 75:25, except in case of North Eastern State (Sikkim), where the share of Centre and State/UT is in the ratio of 90:10 of the financial norms.

The key objective of the scheme is to facilitate, educate and empower ABs so as to enable them to become self-reliant, gender-sensitive and aware citizens. The scheme has the following objectives :-

- (i) To make the Adolescent Boys gender sensitive.
- (ii) To create sensitised Ahimsa Messengers to address Violence against Women.
- (iii) To enable ABs for self-development and empowerment.
- (iv) To address the health needs, i.e., the physical, mental and emotional health of ABs.
- (v) To promote awareness about health, hygiene, nutrition and Adolescent Reproductive & Sexual Health (ARSH) and family and child care.
- (vi) To provide appropriate information and vocational skills for ABs above 16 years through National Skill Development Program (NSDP) for future work-participation.
- (vii) To provide necessary life skill education and to provide information/guidance about existing public services.
- (viii) To channelise the energies of ABs for Nation building.

The 17 selected districts are those where Rajiv Gandhi Scheme for Empowerment of Adolescent

Girls (RGSEAG) (Sabla) is operational. This provides an opportunity for healthy interaction between Adolescent Boys and Girls.

7. Scheme of Grants-in-aid for Research, Publication and Monitoring

The Ministry of Women and Child Development has been implementing the scheme of Grants-in-Aid for Research, Publication and Monitoring since 1986-87 with the objectives to promote:

- (i) Research studies on emerging issues in the field of women and child development,
- (ii) Workshops/seminars which help in promoting awareness, discuss the problems and strategies to resolve the problems of women and children, and
- (iii) Publications on women and child related topics for wider dissemination of results.

Priority is given to research projects of an applied nature keeping in view the policy requirements of the Ministry, social problems requiring urgent public interventions and evaluation of the ongoing programmes. The Ministry revised upwards the financial norms for the scheme from 2011.

8. General Grants-in-aid Scheme for Innovative Work on Women and Children

Under this scheme, project proposals of following nature related to women and children, are approved for execution by voluntary organisations/institutions, universities and research institutes, including those set up and funded by Central Government/State Governments/Public Sector Undertakings/Local authorities/Corporations/Institutions:

- (i) Projects to tackle problem areas which are relatively un-serviced but where need is urgent;
- (ii) Projects, which fill in essential gaps in existing services and complement them so as to maximise the impact;
- (iii) Projects, which provide integrated services, where all the components need not be financially supported by one source;
- (iv) Projects which build capacity of the individual to be self-reliant rather than dependent;
- (v) Projects located in backward, rural and tribal areas and urban slums which are poorly serviced by existing services;
- (vi) Projects which are community based and render non-institutional services. In certain cases where the nature of the problem so demands institutional programmes are also supported;
- (vii) Projects to mobilise public opinion and support to tackle the pressing social problems;
- (viii) Projects to tackle problems which require coverage of more than one state;
- (ix) Projects not covered by any of the existing schemes of the Ministry of Women and Child Development including the Central Social Welfare Board.

9. Bal Bandhu Scheme

The National Commission for Protection of Child Rights (NCPCR) is implementing the Bal Bandhu

Scheme for Protection of Children in Areas of Civil Unrest on Pilot basis in nine districts of five States namely: Kokrajhar, Chirang district of Assam, Khammam district of Andhra Pradesh, Gadchiroli district of Maharashtra, Jamui, Rohtash, East Champaran and Sheohar districts of Bihar and Sukma district of Chhattisgarh.

The objectives of the scheme are:

- (i) to bring stability in the lives of children in the process of ensuring that all their entitlements to protection, health, nutrition, sanitation, education and safety are fulfilled through Government action;
- (ii) to enhance democracy through community participation and action and renew hope in harmonising the society; and
- (iii) to stabilise their lives while a child's well-being becomes the focus of all action in the area.

WELFARE OF SCS

The Ministry of Social Justice and Empowerment (MSJ&E) is implementing various schemes and programmes for the welfare and development of Scheduled Castes (SCs). These are explained below:

A. Schemes of Educational Empowerment

1. Post-Matric Scholarship for Scheduled Caste Students The Scheme is the single largest intervention by Government of India for educational empowerment of scheduled caste students. The scheme is in operation since 1944.

The objective of the scheme is to provide financial assistance to scheduled caste students studying at post matriculation or post-secondary stage to enable them to complete their education.

The financial assistance includes maintenance allowance, reimbursement of non-refundable compulsory fee charged by educational institutions, Book Bank facility and other allowances. The scholarships are available for studying in India only and are awarded by the Government of the States/Union Territories to which the applicant actually belongs.

The scheme was revised in the year 2010 with the following main modifications:-

- (i) Revision of income ceiling (of parents/guardians from all sources) from existing ₹ 1 lakh p.a. to ₹ 2 lakh p.a.;
- (ii) Regrouping of courses; and
- (iii) Revision of maintenance and other allowances.

2. Pre-Matric Scholarship for Children of Those Engaged in 'Unclean' Occupations The scheme was started in 1977-78. Initially, the scheme covered only hostellers. Subsequently, in the year 1991 day scholars were also brought within the purview of the scheme. Under the scheme financial assistance is provided for pre-matric education to children of the following target groups, viz. (i) scavengers of dry latrines, (ii) tanners, and (iii) flayers.

The salient features of the scheme are :

- (i) Assistance under the scheme consists of two components, viz.

- (a) Monthly Scholarship (for 10 months), and
- (b) Annual Ad hoc Grant (to cover incidental expenses like stationery, uniform, etc.).
- (ii) There is no income ceiling or caste restriction for eligibility.
- (iii) There are special provisions for students amongst target group with disabilities.
- (iv) The scheme is implemented through state governments.

The 'object' and 'conditions of eligibility' of the scheme have been modified in 2011, to do away with the condition which restricts the scholarship to the children of only existing manual scavengers. The condition of giving annual certificate by the manual scavengers has been done away with. More students are likely to be benefitted under this scheme after these changes.

3. Babu Jagjivan Ram Chhatrawas Yojana The objective of the scheme is to provide hostel facilities to SC boys and girls studying in middle schools, higher secondary schools, colleges and universities.

The state Governments/Union Territory Administrations and the Central & State Universities/institutions are eligible for central assistance, both for fresh construction of hostel buildings and for expansion of the existing hostel facilities while NGOs and deemed universities in the private sector can avail the benefit only for expansion of their existing hostel facilities.

In addition to the admissible central assistance under the Scheme, one-time grant of ₹ 2500 per student would also be provided for making provisions of a cot, a table and a chair for each student.

4. Upgradation of Merit of SC Students The objective of this scheme is to upgrade the merit of Scheduled Caste students, studying from Class IX to Class XII, by providing them the facilities for education in residential schools. It is being done by (i) removing their educational deficiencies, (ii) facilitating their entry into professional courses by upgrading their merit, and (iii) generating self-confidence and self-reliance in them.

The salient features of the scheme are:

- (i) 100% Central assistance to the States/UTs through a package grant of ₹ 15,000 per student per year.
- (ii) Special allowances like reader allowance, transport allowance, escort allowance, etc. is given to students with disability.

5. Pre-matric Scholarship for SC Students Studying in IX and X The Scheme has been introduced in 2012. The objectives of the scheme are:

- (a) To support parents of SC children for education of their wards studying in classes IX and X so that the incidence of drop-out, especially in the transition from the elementary to the secondary stage is minimised, and
- (b) To improve participation of SC children in classes IX and X of the pre-matric stage, so that they perform better and have a better chance of progressing to the post-matric stage of education.

The salient features of the scheme are as follows :

- (i) Assistance under the scheme consists of two components, viz.
 - (a) Monthly Scholarship (for 10 months), and
 - (b) Annual Ad hoc Grant (to cover incidental expenses like stationery, uniform, etc.).

- (ii) Parent/Guardian's income should not exceed ₹ 2 lakh per annum.
- (iii) There are special provisions for students amongst target group with disabilities.
- (iv) The scheme is implemented through state governments.

6. Rajiv Gandhi National Fellowships for SC Students The scheme provides financial assistance to Scheduled Caste students for pursuing research studies leading to M. Phil., Ph.D. and equivalent research degree in universities, research institutions and scientific institutions.

The University Grants Commission (UGC) is the nodal agency for implementing the scheme. Two thousand Research Fellowships (Junior Research Fellows) per year are awarded to Scheduled Caste Students. The number of fellowships were increased from 1333 to 2000 in 2010-11. In case of non-availability of adequate number of Scheduled Caste candidates, the number of fellowships not availed during a year will be carried forward to the next academic session.

7. Scholarship Scheme of Top Class Education for SC Students The objective of the scheme is to promote qualitative education amongst SC students, by providing full financial support for pursuing studies beyond twelfth class. The salient features of the scheme are:

- (i) There are 229 institutions of excellence spread all over the country in the list of notified institutions. Notified institutions include all IIMs, IITs, NITs (earlier known as RECs), Commercial Pilot License training institutes and reputed Medical/Law and other institutes of excellence. Maximum 1,250 fresh scholarships can be given each year.
- (ii) All the Government notified institutes (of IITs, NITs and IIMs) are allotted 12 awards/scholarships each, whereas the Commercial Pilot License training institutes are allotted two awards each.
- (iii) Courses of study covered are Engineering, Medicine/Dentistry, Law, Management, Hotel Management, Fashion Technology and other streams.
- (iv) SC students whose total family income is up to ₹ 4.50 lakh per annum are eligible for the scholarship w.e.f academic year 2012-13.

8. National Overseas Scholarship for SC, etc Candidates The National Overseas Scholarship is meant to provide assistance to selected Scheduled Caste, de-notified, nomadic, semi-nomadic tribes, landless agricultural labourers and traditional artisans students for pursuing higher studies of Master-level courses and Ph.D programmes abroad in specified fields of study.

The scheme provides for fees charged by institutions as per actual, monthly maintenance allowance, passage visa fee and insurance premium etc. annual contingency allowance, incidental journey allowance. Only one child of the same parents/guardians is eligible to get benefit under the scheme. The prospective awardees should not be more than 35 years of age. The total number of awards to be given each year is 30 and 30% of the awards have been earmarked for women candidates. Financial assistance under the Scheme is provided for a maximum period of four years for Ph.D and three years for Master's programme. The income ceiling from all sources of the employed candidate or his/her parents/guardians should not be more than ₹ 25,000 per month.

9. Free Coaching for SC Students The objective of the scheme is to provide quality coaching for – Group 'A' and 'B' examinations conducted by the Union Public Service Commission (UPSC), the Staff Selection Commission (SSC), the Railway Recruitment Boards (RRB) and the State Public Service Commissions; Officers' Grade Examinations conducted by Banks, Insurance Companies and

Public Sector Undertakings (PSUs) and; Finishing course/job-oriented courses for employment in the private sector like IT, Bio-technology etc. in need of soft skill as well. The scheme is implemented through the reputed coaching institutions/centres run by the State Governments/UT Administrations, Universities and the private sector Organisations.

B. Schemes of Economic Empowerment

1. Scheduled Castes Sub-Plan (SCSP) The Special Component Plan for Scheduled Castes evolved in 1979 has been renamed as Scheduled Castes Sub-Plan (SCSP). The strategy of Scheduled Castes Sub-Plan (SCSP) is one of the most important interventions through the planning process for social, economic and educational development of Scheduled Castes and also for improvement in their working and living conditions.

The Scheduled Castes Sub-Plan (SCSP) is not a scheme by itself. It is an umbrella strategy to ensure flow of targeted financial and physical benefits from all the general sectors of development for the benefit of Scheduled Castes. Under this strategy, States/UTs and Central Ministries are required to formulate and implement Scheduled Castes Sub-Plan (SCSP) as part of their Annual Plans by earmarking resources in proportion to their share in total population.

At present, 27 States/UTs having sizeable SC populations are implementing Scheduled Castes Sub-Plan. The Ministry regularly impresses upon the States to ensure adequate allocations under Scheduled Castes Sub-Plan during interactions with them. As an incentive, 25% Special Central Assistance is released to States/UTs on the basis of percentage allocation made by them under Scheduled Castes Sub-Plan as compared to share of Scheduled Castes population in the total population.

2. Special Central Assistance (SCA) to Scheduled Castes Sub-Plan (SCSP) The Special Central Assistance (SCA) to Scheduled Castes Sub Plan (SCSP) is a central sector scheme, started in 1980, under which 100% grant is given to the States/UTs, as an additive to their Scheduled Castes Sub Plan (SCSP). The main objective is to give a thrust to family-oriented schemes of economic development of SCs below the poverty line. The Central assistance under the scheme is released to States/UTs on the basis of the following criteria:

Table 18.1 Criteria for Release of Funds to States/UTs Under SCA to SCSP

Sl.No.	Basis	Percentage
(i)	SC Population of the States/UTs	40%
(ii)	Relative backwardness of the States/UTs	10%
(iii)	Percentage of SC families in the States/UTs covered by composite economic development programmes in the State Plan to enable them to cross the poverty line	25%
(iv)	Percentage of SCSP to the Annual Plan as compared to SC population percentage of the States/UTs	25%

The salient features of the scheme are mentioned below:

- (i) Funds under the scheme are provided as an additive to States/UTs implementing SCSP.
- (ii) Main thrust is on economic development of SC population in order to bring them above

poverty line through self employment or training.

- (iii) Amount of subsidy admissible under the scheme is 50% of the project cost, subject to a maximum of ₹ 10,000 per beneficiary.
- (iv) Upto 10% of the total release to State/UT can be utilised for infrastructure development in villages having 50% or more SC population.
- (v) At least 15% of the SCA to be utilised by States/UTs for SC women.
- (vi) Five per cent of the total SCA released to the States/UTs will be utilised by them exclusively for the economic development of disabled persons among SCs.
- (vii) Three per cent of the total SCA released to the States/UTs shall be utilised by States for supervision, monitoring and evaluation of economic development schemes implemented with the support of SCA funds.
- (viii) Two per cent of the total budget allocation for the scheme will be earmarked for North Eastern States which implement SCSP for SCs.
- (ix) At least 10% of the funds of SCA to SCSP should be utilised for skill development programmes within existing framework of the Scheme in order to enhance the employability of the target group.

3. Assistance to State Schedule Castes Development Corporations The Centrally Sponsored Scheme for participating in the equity share of the Schedule Castes Development Corporations (SCDCs) in the ratio of 49:51 (Central:State) was introduced in 1979. At present, SCDCs are functioning in 27 States/UTs. The main functions of SCDCs include identification of eligible SC families and motivating them to undertake economic development scheme, sponsoring the schemes to financial institutions for credit support, providing financial assistance in the form of margin money at low rate of interest and subsidy in order to reduce the repayment liability and providing necessary tie up with other poverty alleviation programmes. The SCDCs are playing an important role in providing credit and inputs by way of margin money loans and subsidy to the target group.

The SCDCs finance employment oriented schemes covering (i) Agriculture and allied activities including minor irrigation, (ii) Small Scale Industry, (iii) Transport, and (iv) Trade and Service Sector. The SCDCs finance projects by dovetailing loan component from NSFDC/banks along with margin money out of their own funds and subsidy out of Special Center Assistance (SCA).

4. National Scheduled Castes Finance & Development Corporation The National Scheduled Castes Finance & Development Corporation (NSFDC) was set up by the Government of India in the year 1989. The broad objective of NSFDC is to provide financial assistance in the form of concessional loans to Scheduled Castes families, and skill-cum-entrepreneurial training to the youth of the target group, living below Double the Poverty Line [presently ₹ 81,000 per annum for rural area and ₹ 1,03,000 per annum for urban areas] for their economic development.

The Authorised Share Capital of the Corporation is ₹ 1,000 crore and Paid-Up Capital is ₹ 781.80 crore including ₹ 100 crore released during 2012-13. The Corporation has so far disbursed ₹ 2504.70 crore covering 8.60 lakh beneficiaries upto 2013. The NSFDC functions through Channel Finance System in which concessional loans are routed to the beneficiaries through the State Channelising Agencies (SCAs) appointed by the respective state Governments/Union Territories.

5. National Safai Karamcharis Finance & Development Corporation The National Safai Karamcharis Finance and Development Corporation (NSKFDC) was incorporated in the year 1997

as a company not for profit. The target group of the Corporation are “Scavengers”, which means persons wholly or partially employed for manual handling of human excreta and their dependents, and “Safai Karamcharis” which means persons engaged in or employed for any sanitation work, and their dependents.

No income limit is fixed for availing financial assistance. However, the Corporation accords priority to the economic development and rehabilitation of scavengers, women and Persons with Disabilities (PwDs) from among the target group. The NSKFDC provides loan at the concessional rate of interest to the beneficiaries through the State Channelising Agencies (SCAs) appointed by the respective State Governments/Union Territories across the country.

Initially, the Authorised Share Capital of the Corporation was ₹ 200 crores which was enhanced to ₹ 300 crores in 2009 and to ₹ 600 crores in 2012. The paid up capital of the Corporation in 2013 was ₹ 394.99 crore. During 2012-13, ₹ 50 crore has been released as Equity Share Capital to the Corporation.

The Corporation implements schemes to promote self employment in an alternative occupation through concessional finance, and skill development. Since its inception, the Corporation has disbursed ₹ 829.81 crore covering 248,019 beneficiaries.

C. Schemes of Social Empowerment

1. Assistance for Implementation of the *Protection of Civil Rights Act and the SCs and STs (Prevention of Atrocities) Act*: These two Acts are implemented by the respective state Governments and Union Territory Administrations. With a view to ensure their effective implementation by the states, Central assistance is provided to them under the Centrally Sponsored Scheme for implementation of the *Protection of Civil Rights Act, 1955* and the *Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989*, for following purposes:-

- (i) Functioning and strengthening of the Scheduled Castes and Scheduled Tribes Protection Cell and Special Police Stations.
- (ii) Setting up and functioning of exclusive Special Courts.
- (iii) Relief and Rehabilitation to atrocity victims.
- (iv) Incentive for Inter-Caste Marriages, where one of the spouses is a member of Scheduled Caste
- (v) Awareness generation.

The funding pattern of the scheme is such that over and above the committed liability of respective State Governments, the expenditure is shared between Centre and States on 50:50 basis and UT Administrations receive 100% Central assistance.

2. Pilot Scheme of Pradhan Mantri Adrash Gram Yojana (PMAGY) The pilot PMAGY scheme has been launched in 2010. The scheme aims at integrated development of the selected 1000 villages having more than 50% SC population, into “model villages” so that, inter alia,

- (i) they have requisite physical and social infrastructure for their socio-economic development;
- (ii) disparity between SC and non-SC population of the village in terms of common socioeconomic indicators (e.g., literacy rate, completion rate of elementary education, IMR/MMR, ownership of productive assets, etc.) is eliminated, and the indicators are raised to at least the level of the national average; and

(iii) untouchability, discrimination, segregation, and atrocities against SCs are eliminated, as are other social evils like discrimination against girls/women, alcoholism and substance (drugs) abuse, etc., and all sections of society are able to live with dignity and equality, and in harmony with others.

3. Scheme of Grants-in-aid to Voluntary Organisations Working for Scheduled Castes The main objective behind the scheme is to involve the voluntary sector to improve educational and socio-economic conditions of the target group i.e. Scheduled Castes with a view to upgrade skill to enable them to start income generating activities on their own or get gainfully employed in some sector or the other. The principle that good voluntary organisations should not only be assisted but also consciously built up, has been guiding spirit behind the formulation of the scheme. The following facts can be noted:

- (i) The scheme was started in 1953-54.
- (ii) The scheme was last revised in 1998.
- (iii) Projects covered under the scheme are 40.

The scheme provides that quantum of assistance shall be determined in each case on merit. However, Government of India may meet 90% of the approved expenditure. The remaining expenditure is to be met by the concerned voluntary organisation from its own source.

4. Self-Employment Scheme for Rehabilitation of Manual Scavengers A National Scheme of Liberation and Rehabilitation of Scavengers and their Dependents (NSLRS) was started in 1992 to rehabilitate manual scavengers and their dependents in alternative occupations. As per reports received from State Governments from time to time, there were about 7.70 lakh manual scavengers and their dependents, to be rehabilitated under NSLRS. Out of this, about 4.23 lakh beneficiaries were assisted for rehabilitation, during the period of implementation of NSLRS.

This Ministry formulated a 'Self Employment Scheme for Rehabilitation of Manual Scavengers' (SRMS) which was introduced in January 2007 with the objective of rehabilitating remaining manual scavengers and their dependents by March, 2009. Under the scheme, the identified beneficiaries were provided loan, at subsidised rate of interest, and credit linked capital subsidy for setting up self employment projects. It also had liberal provisions for training of beneficiaries in marketable skills to enhance their employability. They were paid a stipend of ₹ 1000 per month during the period of training.

The Self Employment Scheme for Rehabilitation of Manual Scavengers originally envisaged rehabilitation of all manual scavengers in alternative occupations by March 2009. However, as this could not be done by the target date, the scheme was extended upto March 2010, with a provision for the coverage of spill-over beneficiaries even thereafter, if required. As per the updated number reported by States/UTs after launch of the scheme, about 1.18 lakh manual scavengers and their dependents in 18 States/UTs were identified for implementation of the scheme.

There was a proposal to revise the existing SRMS to make it more effective. Hence, the Scheme has been revised w.e.f. November, 2013. As per the revised scheme, identified manual scavengers, one from each family, are provided one-time cash assistance. The identified manual scavengers and their dependents are provided project based back-ended capital subsidy upto ₹ 3,25,000 and concessional loan for undertaking self-employment ventures. Beneficiaries are also provided training for skill development for a period upto two years, during which a stipend of ₹ 3,000 per month is also provided.

Reservation in Education & Employment

Reservation in Education The *Central Educational Institutions (Reservation in Admission) Act, 2006* came into force with effect from academic session 2008-09. The Act provides for Reservation of 15% for the students belonging to the Scheduled Caste, 7.5% for Scheduled Tribes & 27% for Other Backward Classes (excluding creamy layer) in central educational institutions (other than those exempted under the Act).

Reservation in Employment Instructions were issued by Ministry of Home Affairs in 1947, providing 12.5% reservation in direct recruitment made by open competition and 16.66% for other than by open competition for Scheduled Castes. With the increase in the percentage of Scheduled Castes population, a need was felt to increase the reservation percentage. The 1961-Census showed that the percentage of population of Scheduled Castes was 14.7%. Accordingly, in 1970, the percentage of reservation for Scheduled Castes in direct recruitment by open competition was increased from 12.5% to 15%. The percentages of reservation in the case of direct recruitment otherwise than by open competition was kept unchanged at 16.66%. The position regarding percentage of reservation for SCs/STs in public employment has remained unchanged since then. The reservation policy of the Government is *mutatis-mutandis* extended to Central Public Sector Enterprises (CPSEs).

WELFARE OF STS

The Ministry of Tribal Affairs (MoTA) is implementing various schemes and programmes for the welfare and development of the Scheduled Tribes (STs). These are explained below:

A. Schemes of Educational Empowerment

1. Scheme for Construction of Hostels for ST Girls and Boys The objective of the scheme is to promote literacy among tribal students by providing hostel accommodation to such ST students who would otherwise have been unable to continue their education because of their poor economic condition, and the remote location of their villages. The scheme was revised in 2008.

The scheme covers the entire ST population in the country and is not area-specific. However, the hostels under the scheme would be sanctioned as far as possible as a part of the established educational institutions or in the close vicinity of such institutions/vocational training centres.

The scheme provides for the construction of new hostels and extension of existing hostel buildings for the middle, secondary, college and university levels of education.

2. Scheme for the Establishment of Ashram Schools in Tribal Sub-Plan Areas The objective of the scheme is to promote expansion of educational facilities for Scheduled Tribe students including PTGs. Ashram Schools provide education with residential facilities in an environment conducive to learning. The Scheme was revised in 2008.

The scheme covers all the Tribal Sub-plan areas of the country spread over 22 States and 2 Union Territories.

The scheme provides funds for the construction of school buildings from the primary to the senior

secondary stage and also provides for the upgradation of the existing Ashram Schools for Scheduled Tribes Boys and Girls including PTGs.

3. Post-Matric Scholarship Scheme The objective of the scheme is to provide financial assistance to the Scheduled Tribe students studying at post-matriculation or post-secondary levels to enable them to complete their education. The scheme was revised in 2010.

The scheme is open to all ST students whose parents' annual income is ₹ 2 lakh or less and the scholarships are awarded through the Government of the State/Union Territory where he/she is domiciled. The Commercial Pilot Licence Course (CPL) is also included in the scheme of Post-Matric Scholarship for ST students and 10 scholarships are to be given to the eligible ST students per year.

The students are provided different rates of scholarships depending on the course. The courses have been divided into four categories and the rates vary from ₹ 230 per month to ₹ 1200 per month. Besides, the compulsory fees are also being reimbursed.

4. Book Bank Scheme Many ST students selected in professional courses find it difficult to continue their education for want of books on their subjects, as these are often expensive. In order to reduce the dropout rate of ST students from professional institutes/universities, funds are provided for purchase of books under this scheme.

The scheme is open to all ST students pursuing medical (including Indian Systems of Medicine & Homeopathy) engineering, agriculture, veterinary, polytechnic, law, chartered accountancy, business management, bio-science subjects, who are receiving Post-Matric Scholarships.

5. Upgradation of Merit Scheme The objective of the scheme is to upgrade the merit of Scheduled Tribe including PTG students in classes IX to XII by providing them with facilities for all-round development through education in residential schools so that they can compete with other students for admission to higher education courses and for senior administrative and technical occupations.

Coaching is provided in languages, science, mathematics as well as special coaching for admission to professional courses like engineering and medicine. A revised package grant of ₹ 19,500 per student per year is provided from 2008-09 which includes the honorarium to be paid to the Principal or Experts imparting coaching and also to meet incidental charges.

6. National Overseas Scholarship Scheme for Higher Studies Abroad The objective of the scheme is to provide financial assistance to selected ST students pursuing higher studies abroad (Masters, Doctoral and Post-Doctoral level) in certain specified fields of Engineering, Technology and Science only. This was a Non-Plan scheme, which became a Plan scheme from 2007-08.

Thirteen Scheduled Tribe candidates and two candidates belonging to PTGs can be awarded the scholarship annually for pursuing Post Graduate, Doctoral and Post-Doctoral level courses abroad. The scholarship is not awarded for pursuing graduate courses.

The scholarship is awarded to ST candidates (one member from each family) below 35 years of age on the date of advertisement, provided the total income of the candidate or his/her parents/guardians does not exceed ₹ 25,000 per month.

7. Rajiv Gandhi National Fellowship The objective of the scheme is to provide fellowships in the form of financial assistance to students belonging to the Scheduled Tribes to pursue higher studies such as M.Phil and Ph.D. The scheme has been started from the year 2005-06.

This scheme covers all the Universities/Institutions recognised by the University Grants

Commission (UGC).

Under the scheme, 667 fellowships are provided to the ST students each year. The maximum duration of the fellowships is five years.

8. Scheme of Top Class Education for ST Students The objective of the scheme is to encourage meritorious ST students for pursuing studies at degree and post-degree level in any of the selected list of institutes, in which the scholarship scheme would be operative. The scheme has been started from 2007-08.

There are 213 institutes approved under the scheme in both the Government and private sectors covering the field of management, medicine, engineering, law and commercial courses. Each institute has been allocated five awards, with a ceiling of total 625 scholarships per year.

The family income of the ST students from all the sources should not exceed ₹ 2 lakh per annum. The ST students are awarded scholarship covering full tuition fee and other non-refundable dues in respect of Government/Government-funded institutions. However, there is a ceiling of ₹ 2 lakh per annum per student for private sector institutions and ₹ 3.72 lakh per annum per student for the private sector flying clubs for Commercial Pilot Training.

9. Vocational Training in Tribal Areas The main aim of this scheme is to upgrade the skills of the tribal youth in various traditional/modern vocations depending upon their educational qualification, present economic trends and the market potential, which would enable them to gain suitable employment or enable them to become self employed.

The scheme has been revised from 2009 and is being implemented through the State Governments/UT Administrations, Institutions or Organisations set up by Government as autonomous bodies, educational and other institutions like local bodies and cooperative societies and Non-Governmental Organisations etc.

The scheme covers all the States and Union Territories. The scheme is exclusively for benefit of the Scheduled Tribes as well as PTGs. As far as possible minimum 33% seats will be reserved from tribal girl candidates.

Each Vocational Training centre set up under the scheme may cater to a maximum of five trades and will provide training to 100 or more trainees, i.e., for one trade there should be at least 20 candidates. There is provision for monthly stipend and for raw material for the trainees.

10. Pre-Matric Scholarship for Needy Scheduled Tribe Students Studying in Classes IX & X
The objectives of the Scheme are to: (i) support parents of ST students for education of their wards studying in Classes IX and X so that the incidence of dropout, especially in transition from the elementary to secondary and during secondary stage of education, is minimised, and (ii) improve participation of ST students in Classes IX and X of Pre-Matric stage, so that they perform well and have a better chance of progressing to Post-Matric stages of education.

Scholarships are paid @ ₹ 150 per month for day scholars and @ ₹ 350 per month for hostellers, for a period of 10 months in a year. Books and ad-hoc grant are paid @ ₹ 750 per year for day scholars and ₹ 1000 per year for hostellers.

11. Free Coaching for Scheduled Tribes The scheme of free coaching of Scheduled Tribes (erstwhile Coaching & Allied) has been in operation since the Fourth Five Year Plan Period. The scheme was revised during the financial year 2007-08.

The scheduled tribes coming from deprived families and disadvantaged environment find it

difficult to compete with those coming from a socially and economically advantageous background. To promote a more level playing field, and give ST candidates a better chance to succeed in competitive examinations, the Ministry of Tribal Affairs supports a scheme of coaching for disadvantaged ST candidates in quality coaching institutions for various competitive examinations meant for admission into professional courses and recruitment for jobs in Civil Services/Public sector.

The scheme is implemented through State Governments/UT Administrations/Universities and reputed Professional Coaching Institutions which run Pre-examination Coaching Centres (PECs). There are efforts to shift the focus from Government run institutions to quality professional coaching institutions. The funds are provided per student cost basis. Union Territories, Universities and Private Institutions are provided assistance to the extent of 100% on a contractual basis, while state-run institutions are provided 80% assistance from the Ministry.

The funding includes the coaching fees (including the charges of faculty), advertisement charges, stipend to candidates and assistance for boarding/lodging to outstation students etc.

12. Scheme of Strengthening Education among ST girls in Low Literacy Districts This gender-specific scheme was introduced in 1993-94 for ST girls in low literacy pockets. The scheme has been revised in 2008-09.

The scheme aims to bridge the gap in literacy levels between the general female population and tribal women, through facilitating 100% enrolment of tribal girls in the identified districts or blocks, more particularly in naxal affected areas and in areas inhabited by Particularly Vulnerable Tribal Groups (earlier known as Primitive Tribal Groups (PTGs)), and reducing drop-outs at the elementary level by creating the required ambience for education.

The scheme lays emphasis on providing hostel facilities to enable the ST girls to attend regular schools and wherever schools are not available within five km distance, both schooling and hostel facilities are provided. Improvement of the literacy rate of tribal girls is essential to enable them to participate effectively in and benefit from, socio-economic development.

The scheme covers the 54 identified districts as indicated in the revised scheme where the ST population is 25% or more, and ST female literacy rate below 35%, as per 2001 census. Any other tribal block in a district, other than aforesaid 54 identified districts, which has scheduled tribe population 25% or above, and tribal female literacy rate below 35% as per 2001 census, is also covered.

13. Eklavya Model Residential Schools (EMRS) With the objective of providing quality education to the tribal students, it was decided during 1997-98 to utilise a part of the grant under Article 275(1) of the Constitution of India for setting up of 100 Model Residential Schools from Class VI to Class XII. Till the end of Xth Plan 100 schools were sanctioned to 22 States, of which 92 are reported to be functional.

The schools were required to be operated in each state through an autonomous society formed for this purpose. In order to provide a uniform pattern of education in those schools and enable their students to compete effectively for higher education programmes (medical, technical etc.), these schools are mainly affiliated to State Boards. These schools have been named as Eklavya Model Residential Schools and envisaged on the lines of Navodaya Vidyalayas but with state-centered management.

B. Schemes of Economic Empowerment

1. Tribal Sub-Plan The Tribal Sub-Plan (TSP) strategy was developed for the rapid socio-economic development of tribal people and was adopted for the first time in the Fifth Five Year Plan. The strategy adopted continues till this day and the salient features are given as follows.

- (i) Preparation of plan meant for the welfare and development of tribals within the ambit of a State or a UT plan is a part of the overall plan of a State or UT, and is therefore called a Sub-Plan.
- (ii) The funds provided under the Tribal Sub-Plan have to be at least equal in proportion to the ST population of each State or UT.
- (iii) Tribals and tribal areas of a State or a UT are given benefits under the TSP, in addition to what percolates from the overall Plan of a State/UT.
- (iv) The Sub-Plan should:
 - (a) Identify the resources for TSP areas;
 - (b) Prepare a broad policy framework for development; and,
 - (c) Define a suitable administrative strategy for its implementation.
- (v) The TSP strategy has been in operation in 22 States and 2 UTs.
- (vi) TSP concept is not applicable to the tribal majority States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland and in the UTs of Lakshadweep and Dadra & Nagar Haveli where tribals represent more than 60% of the population, since the Annual Plan in these States/UTs is itself a Tribal Plan.

The TSP strategy is expected to be followed in the Central Ministries/Departments also so that an adequate flow of funds in the Central Ministries/Departments is ensured.

The funds for tribal development under TSP are sourced from the following:

- (i) State Plans
- (ii) The Special area programmes of Special Central Assistance (SCA) to Tribal Sub-Plan (TSP) and Grant under Article 275 (1) of the Constitution and, funds under other Schemes of the Ministry;
- (iii) Sectoral programmes of Central Ministries/Departments; and
- (iv) Institutional Finance.

2. Special Central Assistance to Tribal Sub-Plan (SCA to TSP) This is a major programme administered by the Ministry and under this grant is provided to the States Governments based on annual allocation made by the Planning Commission. This is treated as an additive to the State Plan, for areas where State Plan provisions are not normally forthcoming to bring about economic development to tribals. The programme was launched during 1974 and till the end of the IX Five Year Plan, the SCA to TSP was meant for filling up critical gaps in the family-based income-generating activities of TSP.

From the Tenth Five Year Plan period, the objective and scope of SCA to TSP, was expanded to cover employment-cum-income generation activities and infrastructure incidental thereto. Besides family-based activities, other activities run by the Self-Help Groups (SHGs)/Community are also to be taken up. The ultimate objective of extending SCA to TSP is to boost the demand based income-generation programmes and thus raise the economic and social status of tribals.

The SCA is provided to the 22 Tribal Sub-Plan States and 2 Union Territories including the North Eastern States of Assam, Manipur, Sikkim and Tripura and two Union territories. However, since 2003-04 funds meant for UTs are being provided for in the budget of Ministry of Home Affairs and the Ministry is not concerned in the administration of funds in the UTs.

The SCA is released for economic development in the following areas and for the following population:

- (i) Integrated Tribal Development Project/Integrated Tribal Development Agency (ITDP/ITDA) areas (192 Nos.), which are generally contiguous areas of the size of at least tehsil or block or more in which the ST population is 50% or more of the total population;
- (ii) Modified Area Development Approach (MADA) pockets (259 Nos.), which are identified pockets having 50% or more ST population with a minimum population of 10,000;
- (iii) Clusters (82 Nos.), which are identified pockets having 50% ST population with a minimum population of 5,000;
- (iv) Particularly Vulnerable Tribal Groups (PTGs) (72 Nos.), characterised by a low rate of growth of population, pre-agricultural level of technology and extremely low level of literacy;
- (v) Dispersed tribal population – those tribals who fall outside the categories (i) to (iv) above.

3. Programme for Development of Forest Villages Prior to Independence, habitations were set up in forest areas for secured availability of labour force for various forestry operations. Over the years, these habitations grew into villages. These villages are outside the revenue administration of the districts and have, therefore, missed the fruits of development. A process of conversion of these forest villages into revenue villages is underway. However, there are about 2,474 such identified forest villages in 12 States, which are managed by State Forest Departments. Most of the inhabitants in these villages are tribals. The level of development in these villages is not at par with rest of the areas in the State.

Development of forest villages estimated to be having about 2.5 lakh tribal families was one of the thrust areas of tribal development during the Tenth Five Year Plan. Accordingly, Planning Commission allocated ₹ 450 crore to the Ministry of Tribal Affairs in the Tenth Five Year Plan for Development of Forest Villages with an average allocation of ₹ 15 lakh per village. The Ministry of Tribal Affairs initiated the programme for Development of Forest Villages as an extension of the Special Central Assistance to Tribal Sub-Plan (SCA to TSP).

Towards the end of Tenth Plan, a considered view was taken that the programme may be continued for a limited period during the XI Plan also, keeping in view the need for adequate developmental activities to be undertaken in these villages pending conversion into revenue villages. It was decided that an additional funding upto ₹ 15 lakh each would be provided to all those forest villages that have availed the first phase funding during the X Plan.

4. Grants under Article 275(1) of the Constitution of India In pursuance of the Constitutional obligation, the Ministry of Tribal Affairs provides Funds to State Government having Scheduled Tribe population through the Special Area programme 'Grants under Article 275(1) of the Constitution'.

Under this Special Area Programme, 100 percent grant is provided by the Ministry to meet the cost of such project for tribal development, undertaken by a State Government, for (a) raising the level of administration of Scheduled Areas to bring them at par with the rest of the state, and (b) for welfare of the tribal people. The grants are provided to the states on the basis of the percentage of ST

population in the State.

In this regard, the following guidelines have been laid down:

- (i) Prior to 2000-01, Grants under Article 275(1) of the Constitution of India used to be released as block grants to states. Since then, the fund is provided for taking up specific projects for creation and up gradation of critical infrastructure required to bring the tribal areas at par with the rest of the State.
- (ii) The states are to identify the areas/sectors critical to enhancement of the Human Development Index (HDI) and projects can be taken up for bridging gaps in critical infrastructure.
- (iii) People's participation in planning and implementation of schemes and projects has been envisaged in the guidelines. Due regard is to be given to the provisions of the *States Panchayats Acts*, and the PESA Act, 1996.
- (iv) Integrated and holistic approach for preparing micro plans for ITDP/MADA/Cluster through multi-disciplinary teams is also envisaged.
- (v) At least 30% projects are to be targeted to benefit women.
- (vi) Two per cent of the grants may be used for project management, training, MIS, administrative expenses, monitoring and evaluation.
- (vii) Up to 10% of the allocation to the state can be used with prior approval of the Ministry for the maintenance of infrastructure.
- (viii) Ten per cent of the total allocation of funds out of grants under Article 275 (1) of the Constitution is allocated as innovative grant.

5. National Scheduled Tribes Finance and Development Corporation The National Scheduled Tribes Finance and Development Corporation (NSTFDC) was incorporated in 2001 as a Government of India company under Ministry of Tribal Affairs (MoTA) and was granted license under the *Companies Act*, 1956 (a company not for profit). It is managed by the Board of Directors with representation from Central Government, State Channelising Agencies, National Bank for Agriculture and Rural Development (NABARD), Industrial Development Bank of India (IDBI), Tribal Co-operative Marketing Federation of India Ltd. (TRIFED) and eminent persons from the Scheduled Tribes.

The NSTFDC is an apex organisation under MoTA for providing financial assistance for the economic development of the Scheduled Tribes. The broad objectives of NSTFDC are:

- (i) To identify economic activities of importance to the Scheduled Tribes so as to generate self-employment and raise their income level.
- (ii) To upgrade their skills and processes through both institutional and on the job training.
- (iii) To make existing State/UT Scheduled Tribes Finance and Development Corporations (SCAs) and other developmental agencies engaged in economic development of the Scheduled Tribes more effective.
- (iv) To assist SCAs in project formulation, implementation of NSTFDC assisted schemes and in imparting training to their personnel.
- (v) To monitor implementation of NSTFDC assisted schemes in order to assess their impact.

The functions of NSTFDC are as follows:

- (i) To generate awareness amongst the STs about NSTFDC concessional schemes.
- (ii) To provide assistance for skill development and capacity building of the beneficiaries as well

as of the officials of SCAs.

(iii) To provide concessional finance for viable income generating schemes through SCAs and other agencies for economic development of the eligible Scheduled Tribes.

(iv) To assist in market linkage of tribal produce.

6. Tribal Co-operative Marketing Development Federation of India Ltd. The Tribal Cooperative Marketing Development Federation of India Limited (TRIFED) is a Multi-State Cooperative Society. It was set up in 1987 under the *Multi-State Cooperative Societies Act, 1984* (now the *Multi-State Cooperative Societies Act, 2002*)

The TRIFED is now functioning both as a service provider and market developer for tribal products. Further in the role as a capacity builder, it imparts training to ST Artisans and Minor Forest Produce (MFP) gatherers.

This Ministry extends Grants-in-Aid to TRIFED under the Scheme “Market Development of Tribal Product” for undertaking the following four main activities:

- (i) Marketing Development Activities;
- (ii) Tribal MFP Gatherers’ Training & Capacity Building;
- (iii) Tribal Artisans Training & Capacity Building; and
- (iv) Research & Development.

7. Grants-in-Aid for Minor Forest Produce (MFP) Operations In order to help tribals, the State Governments have established State-level Government Organisations like State Tribal Development Cooperative Corporations (STDCCs), Forest Development Corporations (FDCs), etc. with the mandate to purchase MFP from tribals paying them remunerative prices for their MFP.

The Central Sector Scheme of Grants-in-Aid for MFP Operations was launched in 1992-93 to help these State-level Organisations. Grants-in-Aid are extended to these Organisations under this Scheme through their respective State Governments for: -

- (i) increasing the quantum of MFP handled by setting off operational losses, if need be;
- (ii) strengthening the share capital base of the corporation for undertaking MFP operations thereby increasing the quantum of MFP presently handled;
- (iii) setting up of scientific warehousing facilities, wherever necessary;
- (iv) establishing processing industries for value addition with the objective of ensuring maximum returns on the MFPs for the tribals;
- (v) giving consumption loans to the tribals; and
- (vi) supplementing Research & Development (R&D) activities/efforts.

C. Schemes of Social Empowerment

1. Scheme of Grants-in-aid to Voluntary Organisations working for the welfare of Scheduled Tribes The ‘Grants-in-aid to Voluntary Organisations working for the welfare of Scheduled Tribes’ scheme was launched in 1953-54 and is continuing. The prime objective of the scheme is to enhance the reach of welfare schemes of Government and fill the gaps in service deficient tribal areas, in the sectors such as education, health, drinking water, agro-horticultural productivity, social security net etc. through the efforts of voluntary organisations, and to provide an environment for socio-economic

upliftment and overall development of the Scheduled Tribes (STs). Any other innovative activity having direct impact on the socio-economic development or livelihood generation of STs may also be considered through voluntary efforts.

The scheme is a Central Sector Scheme. The grants are provided to the eligible non-governmental organisations/autonomous societies for the categories of projects prescribed in the scheme. Funds are generally provided to the extent of 90% by the Government. The voluntary organisation is expected to bear the remaining 10% as contribution from its own resources. However, the extent of assistance under the scheme is 100% for those projects being implemented in the Scheduled Areas.

Many categories of projects have been prescribed under the scheme which may be considered for grant. The list of categories is as below:

- (i) Residential schools
- (ii) Non-residential schools
- (iii) Hostels
- (iv) Mobile dispensaries
- (v) Ten-bedded hospitals
- (vi) Computer training centre
- (vii) Library
- (viii) Mobile library cum AV unit
- (ix) Rural night school for tribal adult education
- (x) Balwadi/Creche centre
- (xi) Preventing health and sanitation programme
- (xii) Drinking water programme
- (xiii) Training in agriculture and allied activities
- (xiv) Sponsoring of 15 tribal girls of NE States, A & N Islands and Lakshadweep
- (xv) Training centres for employable skills
- (xvi) Old age homes
- (xvii) Involving school children in spreading awareness
- (xviii) Any other innovative project for socio-economic development

2. Scheme for Development of Particularly Vulnerable Tribal Groups In 1998-99, a separate 100% Central Sector Scheme for exclusive socio-economic development of PTGs was started. Based on the knowledge and experience gathered meanwhile, the scheme was revised in 2008-09, to make it more effective.

The scheme covers only the 75 identified Particularly Vulnerable Tribal Groups among Scheduled Tribes. The scheme is very flexible and it enables every State to focus on any area that they consider is relevant to their PTGs and their socio-cultural environment. Activities under it may include housing, land distribution, land development, agricultural development, cattle development, construction of link roads, installation of non-conventional sources of energy for lighting purpose, social security including Janshree Beema Yojana or any other innovative activity meant for the comprehensive socio-economic development of PTGs.

The funds under this scheme are made available for those items/activities which are very crucial for the survival, protection and development of PTGs and are not specifically catered to by any other

scheme of State or Central Government.

The scheme is implemented by the State/UT through various agencies of the State Government/UT Administration like Integrated Tribal Development Projects (ITDPs)/Integrated Tribal Development Agencies (ITDAs), Tribal Research Institutes (TRIs), and also Non-Governmental Organisations (NGOs).

3. Grants-in-aid to Tribal Research Institutes Under the scheme, so far 18 Tribal Research Institutes (TRIs) have been set up in the States of Andhra Pradesh, Assam, Chhattisgarh, Jharkhand, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu, West Bengal, Uttar Pradesh, Manipur, Tripura and Union Territory of Andaman & Nicobar Islands.

The Ministry of Tribal Affairs releases 50% Central share to the State Governments and 100% to Union Territories for the Tribal Research Institutes, for meeting the expenses, including administrative costs. These institutes are engaged in the work of providing planning inputs to the State Governments, conducting research and evaluation studies, collection of data, conducting training, seminars and workshops, documentation of customary laws; setting up of tribal museum for exhibiting tribal artifacts, and other related activities.

As part of the research activities of the Tribal Research Institutes (TRIs), the Ministry also supports construction of tribal museums within the premises of the TRIs to preserve the tribal art, craft and material culture.

In order to effectively coordinate all the functions presently being carried out in Tribal Research Institutes (TRIs) throughout the country, as well as for new activities, the Ministry of Tribal Affairs has evolved the concept of Nodal TRI (NTRI). The NTRI is to provide policy inputs to the Ministry of Tribal Affairs, carry out and coordinate research and evaluation studies, and undertake other related activities for the TRIs which are clubbed under their charge.

4. Supporting Projects of All-India or Inter-State Nature This scheme is in operation since 1979-80 for dissemination of knowledge about tribal issues, and developmental schemes/works through study, seminars/workshops and publication of tribal literature. Under the scheme financial support is extended to Non-Governmental Organisations/Institutions/Universities on 100% basis for following:

- (i) Research and Evaluation studies,
- (ii) Workshops/Seminars helpful in orienting developmental programmes for the Scheduled Tribes and disseminating knowledge and experience concerning tribal people and their areas, and
- (iii) Publication of literature on tribal development.

For Research studies, assistance is provided to the Universities/Institutions/Non Governmental Organisations to carry out research/evaluation studies. The research grant is ordinarily given up to a maximum of ₹ 2.50 lakh for each project to be completed in a period of 8-12 months.

Grants-in-aid for workshops/seminars are released to Institutions/Non-Governmental Organisations/Universities or a group of institutions for organising workshops/seminars which help in disseminating research findings, identifying thrust areas, promoting arts, culture and tradition of tribal groups, issues relating to tribal development.

5. Organisation of Tribal Festivals The scheme 'Organisation of Tribal Festivals' envisages

increasing the participation of Scheduled Tribes in sports and culture at local, District, State and National levels by encouraging their inherent talent and ensuring participation at national and international events. Under the scheme cultural melas, festivals and sports meet are organised at the State and National level encouraging tribal artists/folk art performers and sports persons and preserving, promoting and disseminating tribal arts and traditional tribal sports.

The scheme addresses itself mainly to the well-identified and urgent need for creating awareness, promotion and dissemination of tribal art and culture and traditional sporting events. The Scheme also supports/provides grants to the state governments for organising tribal cultural festivals and traditional sports event, etc. in their own environment.

6. Exchange of Visits by Tribals Exchange of visits by the Scheduled Tribes (STs) is one of the ongoing schemes implemented by the Ministry with an endeavor to cultivate the spirit of oneness. It is specifically aimed at knowledge sharing and knowledge acquisition by both the host and the visiting tribal groups in order to emulate and draw lessons from best practices and lifestyles across states.

The objectives of the scheme of exchange of visits by tribals include inter-alia:

- (i) Enhancing the exposure of the Scheduled Tribes, including students and teachers, resulting in better appreciation of various development, welfare and educational programmes under implementation as well as cultural and social practices adopted across different States/Tribes.
- (ii) Acquainting the Scheduled Tribes with the latest techniques of agriculture, animal husbandry, processing of Non-Timber Forest Produce (NTFP), small scale industries, etc.
- (iii) Encouraging sports development and/or cultural programmes, thereby being catalytic in improving and harnessing their inherent talent.

WELFARE OF BACKWARD CLASSES

The Ministry of Social Justice and Empowerment (MSJ & E) is implementing various schemes and programmes for the welfare and development of Backward Classes (BCs)/Other Backward Classes (OBCs). These are explained below :

A. Schemes of Educational Empowerment

1. Pre-Matric Scholarship The aim of this scheme is to motivate children of OBCs studying at pre-matric stage. As such, scholarships are awarded to students belonging to OBCs whose parents,/guardian's income from all sources does not exceed ₹ 44,500 per annum.

The scholarship is available in such institutions and for such pre-matriculation courses, which have been duly recognised by the concerned state governments and Union Territory Administrations. Under the scheme, 50% Central Assistance is provided to the state governments over and above their committed liability, while in case of UTs 100% central assistance is provided. However, North-East states are exempted from this committed liability under the Scheme.

2. Post-Matric Scholarship The scheme is intended to promote higher education by providing financial support to OBC students studying at post-matric/post-secondary levels including Ph.D. degrees. The scholarships are awarded through the State Government/UT Administration to which the

applicant belongs for study in recognised institutions. Under the scheme, 100% Central assistance is provided to State Governments/UT Administrations over and above their committed liability. The Scheme has been revised in 2011. The major changes effected under the Scheme are as under:

- (i) The parental income ceiling for eligibility has been raised from ₹ 44,500 to ₹ 1 lakh per annum.
- (ii) Increase in maintenance and other allowances of the OBC students.
- (iii) Regrouping of courses.

3. Construction of Hostels for OBC Boys and Girls The Scheme of Construction of Hostels for OBC Boys and Girls has been revised in 2010-11. The scheme aims at providing hostel facilities to students belonging to socially and educationally backward classes, especially from rural areas, to enable them to pursue secondary and higher education. The following important changes have been incorporated in the revised scheme:

- (i) Earlier, only State Governments, UT Administrations and Universities were eligible for Central assistance. Now, NGOs with a good track record are also eligible.
- (ii) Enhancement of Central assistance to North-Eastern states & Sikkim from 50% to 90%. However, in the case of other states, the Central assistance is restricted to 50% of the cost, while in the case of UTs and Central institutions, 100% Central funding is provided. In the case of NGOs, the funding pattern is 45% each by Central and state government and the balance 10% by the NGO. This funding pattern has been made with reference to the approved cost.
- (iii) Indicative physical norms have been laid down for a typical 100 seater hostel with a view to improving the quality and “livability” of hostels to be constructed henceforth, and to introduce a degree of uniformity in the physical norms across the country, and
- (iv) Introduction of a one-time non-recurring grant of ₹ 2500 per seat for providing furniture/equipment to the hostels constructed under the scheme.

4. Free Coaching for OBC Students A scheme for providing free coaching to students belonging to Scheduled Castes (SCs) is being implemented since the Sixth Five Year Plan. Similar schemes are also being implemented to provide free coaching to students belonging to other backward classes (OBCs) and minorities. With a view to ensure effective implementation and monitoring and to assist the students in a better manner, the separate coaching schemes for SCs, OBCs and Minorities were amalgamated and a combined Scheme, namely Coaching and Allied Assistance for Weaker Sections including Scheduled Castes, Other Backward Classes and Minorities was introduced in 2001.

After creation of a separate Ministry to handle matters relating to the minorities, viz. the Ministry of Minority Affairs, the scheme underwent further revision in 2007 for removing the minority component from the ambit of the scheme. Again, the scheme was revised in 2012.

The objective of the Scheme is to provide coaching of good quality for economically disadvantaged Scheduled Castes (SCs) and Other Backward Classes (OBCs) candidates to enable them to appear in Competitive examination and succeed in obtaining an appropriate job in Public/Private sector. The courses for which the coaching is imparted are as follows:

- (i) Group A and B examinations conducted by the Union Public Service Commission (UPSC), the Staff Selection Commission (SSC) and the various Railway Recruitment Boards (RRBs).
- (ii) Group A and B examinations conducted by the State Public Service Commissions.

- (iii) Officers' Grade examinations conducted by Banks, Insurance Companies and Public Sector Undertakings (PSUs).
- (iv) Premier Entrance Examinations for admission in (a) Engineering (eg., IIT-JEE & AIEEE), (b) Medical (eg., AIPMT), (c) professional courses like Management (eg., CAT) and Law (eg., CLAT) and (d) such other disciplines, Ministry may decide from time to time.
- (v) Finishing courses/Job oriented courses for employment in the private sector like IT, Bio-Technology etc. in need of soft skill and other professional courses specified by the Government from time to time.

The scheme is implemented through the reputed institutions/centres run by the:

- (i) Central Government/State Governments/UT Administrations/PSUs/autonomous bodies under Central/State Governments;
- (ii) Universities (both Central and State including the Deemed Universities in the private sector); and
- (iii) Registered private institutions/NGOs.

5. National Overseas Scholarship for OBC candidates The Scheme was started in the year 2014. It provides financial assistance to the finally selected candidates for pursuing Master level courses and Ph.D abroad in the following specified fields of study:

- (a) Engineering;
- (b) Management;
- (c) Agricultural Science; and
- (d) Medicine.

Twenty-Five awards per year are available under the scheme. 30% of the awards for each year are earmarked for women candidates. However, in case adequate women candidates are not found available, the unutilised slots are utilised by selecting suitable male candidates.

Total family income from all sources of the employed candidate or his/her parents/guardians, should not exceed ₹ 3 lakh per annum.

Not more than one child of the same parents/guardians is eligible for award of this scholarship. The awardee cannot be considered for the award for second or subsequent times as one individual can be awarded for once.

B. Schemes of Socio-Economic Empowerment

1. Assistance to Voluntary Organisations for Welfare of OBCs (NGO Scheme) The main purpose of this scheme of grants-in-aid to voluntary organisations is to involve the civil society and non-Government sectors in the improvement of the socio-economic conditions of OBCs, through skill up-gradation in various trades, to enable them to start income generating activities on their own and get gainfully employed. Under the Scheme, financial assistance is provided to Non-Governmental Organisations for imparting various vocational training in various trades like craft, type and short-hand, carpentry, dari making, electrician, motor winding and fitting/plumbing, printing/composing/book binding, spinning and weaving, TV, VCR and Radio repair etc. The Government of India meets 90% of the approved expenditure of the training programme.

2. National Backward Classes Finance & Development Corporation The National Backward

Classes Finance & Development Corporation (NBCFDC) was set up in the year 1992. The main objective of the Corporation is to provide concessional financial assistance to the members of the backward classes for their socio-economic development and to upgrade the technological and entrepreneurial skills of the individuals or groups belonging to the Backward Classes through State Channelising Agencies (SCAs) nominated by respective State Governments/UT.

The members of Backward Classes having an annual family income less than double the poverty line (i.e. ₹ 81,000 in rural areas and ₹ 1,03,000 in urban areas) are eligible to obtain loan from NBCFDC. The NBCFDC assists a wide range of income generating activities which include agricultural and allied activities, small business/artisan and traditional occupation, transport sector & service sector, technical and professional trades/courses.

Reservation in Education & Employment

Reservation in Central Educational Institutions The Supreme Court upheld the validity of Central Educational Institutional [Reservation in Admission] Act, 2006, in its Judgment on 10.04.2008. Under this Act, OBC students are entitled to 27% reservation in Central Educational Institutions.

Reservation in Employment Reservation of 27% to OBCs has been provided in Central Government Services and Posts since 1993, subject to exclusion of the “creamy layer”.

WELFARE OF MINORITIES

In 1993, the Central Government notified five communities, viz., Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) as religious minorities at the national level. In January 2014, the Jain community was added to this list.

The Ministry of Minority Affairs (MoMA) is implementing various schemes and programmes for the welfare and development of minorities/minority communities. These are explained below :

A. Prime Minister’s New 15 Point Programme for the Welfare of Minorities

The Prime Minister’s new 15-Point programme for the welfare of minorities was launched in 2006 and was amended in 2009. It is aimed at ensuring the well being, protection and development of minorities. While the 15-Point programme of the 1983 centred on communal riots, representation of minorities in services and ensuring flow of benefits to individual beneficiaries, the focus of the new Programme is to make certain that benefits of various schemes/programmes flow equitably to the minorities. For this, it envisages location of a certain proportion of development projects in areas with a concentration of minorities. It also stipulates that wherever possible, 15% of targets and outlays under various schemes should be earmarked for the minorities.

The objectives of the programme are: (a) Enhancing opportunities for education; (b) Ensuring an equitable share for minorities in economic activities and employment, through existing and new schemes, enhanced credit support for self-employment, and recruitment to state and Central Government jobs; (c) Improving the conditions of living of minorities by ensuring an appropriate

share for them in infrastructure development schemes; and (d) Prevention and control of communal disharmony and violence.

The 15 provisions/components of the programme are as follows:

1. Equitable Availability of ICDS Services The Integrated Child Development Services (ICDS) Scheme is aimed at holistic development of children and pregnant/lactating mothers from disadvantaged section, by providing services through Anganwadi Centres such as supplementary nutrition, immunisation, health check-up, referral services, pre-school and non-formal education. A certain percentage of the ICDS projects and Anganwadi Centres will be located in blocks/villages with a substantial population of minority communities to ensure that the benefits of the scheme are equitably available to such communities also.

2. Improving Access to School Education Under the Sarva Shiksha Abhiyan, the Kasturba Gandhi Balika Vidyalaya Scheme, and other similar Government schemes, it will be ensured that a certain percentage of such schools are located in villages/localities having a substantial population of minority communities.

3. Greater Resources for Teaching Urdu Central assistance will be provided for recruitment and posting of Urdu language teachers in primary and upper primary schools that serve a population in which at least one-fourth belong to that language group.

4. Modernising Madrasa Education The Central Plan Scheme of Area Intensive and Madrasa Modernisation Programme provides basic educational infrastructure in areas of concentration of educationally backward minorities and resources for the modernisation of Madrasa education. Keeping in view of importance of addressing this need, this programme will be substantially strengthened and implemented effectively.

5. Scholarships for Meritorious Students from Minority Communities Schemes for pre-matric and post-matric scholarships for students from minority communities will be formulated and implemented.

6. Improving Educational Infrastructure Through the Maulana Azad Education Foundation The Government shall provide all possible assistance to Maulana Azad Education Foundation (MAEF) to strengthen and enable it to expand its activities more effectively.

7. Self-Employment and Wage Employment for the Poor The Swarnjayanti Gram Swarajgar Yojna (SGSY), the primary self-employment programme for rural areas, has the objective of bringing assisted poor rural families above the poverty line by providing them income generating assets through a mix of bank credit and Governmental subsidy. A certain percentage of the physical and financial targets under the SGSY will be earmarked for beneficiaries belonging to the minority communities living below the poverty line in rural areas.

The Swarn Jayanti Shahary Rohgar Yojna (SJSRY) consists of two major components namely, the Urban Self-Employment Programme (USEP) and the Urban Wage Employment Programme (UWEP). A certain percentage of the physical and financial targets under USEP and UWEP will be earmarked to benefit people below the poverty line from the minority communities.

8. Upgradation of Skills Through Technical Training A very large proportion of the population of minority communities is engaged in low-level technical work or earns its living as handicraftsmen.

Provision of technical training to such people would upgrade their skills and earning capability. Therefore, a certain proportion of all new ITIs will be located in areas predominantly inhabited by minority communities and a proportion of existing it is to be upgraded to 'Centres of Excellence' will be selected on the same basis.

9. Enhanced Credit Support for Economic Activities The National Minorities Development & Finance Corporation (NMDFC) was set up in 1994 with the objective of promoting economic development activities among the minority communities. The Government is committed to strengthen the NMDFC by providing it greater equity support to enable it to fully achieve its objectives.

Bank credit is essential for creation and sustenance of self-employment initiative. A target of 40% of net bank credit for priority sector lending has been fixed for domestic banks. The priority sector includes, inter alia, agricultural loans, loan to small-scale industries & small business, loans to retail trade, professional and self-employed persons, education loans, housing loans and micro-credit. It will be ensured that an appropriate percentage of the priority sector lending in all categories is targeted for the minority communities.

10. Recruitment to State and Central Services In the recruitment of police personnel, State Governments will be advised to give special consideration to minorities. For this purpose, the composition of selection committees should be representative.

The Central Government will take similar action in the recruitment of personnel to the Central police forces.

Large scale employment opportunities are provided by the Railways, nationalised banks and public sector enterprises. In these cases also, the concerned departments will ensure that special consideration is given to recruitment from minority communities.

An exclusive scheme will be launched for candidates belonging to minority communities to provide coaching in Government institutions as well as private coaching institutes with credibility.

11. Equitable Share in Rural Housing Scheme The Indira Awaas Yojna (IAY) provides financial assistance for shelter to the rural poor living below the poverty line. A certain percentage of the physical and financial targets under IAY will be earmarked for poor beneficiaries from minority communities living in rural areas.

12. Improvement in Condition of Slums/Areas Inhabited by Minority Communities Under the schemes of Integrated Housing & Slum Development Programme (IHSDP) and Jawaharlal Nahu Urban Renewal Mission (JNURM), the Central Government provides assistance to States/UTs for development of urban slums through provision of physical amenities and basic services. It would be ensured that the benefits of these programmes flow equitably to members of the minority communities and to cities/slums, predominantly inhabited by minority communities.

Under Urban Infrastructure and Governance (UIG) scheme, Urban Infrastructure Development Scheme for Small and Medium Towns (UIDSSMT) and National Rural Drinking Water Programme (NRDWP), the Central Government provides assistance to States/UTs for provision of infrastructure and basic services. It would be ensured that the benefits of this programme flow equitably to cities/towns/districts/blocks having a substantial minority population.

13. Prevention of Communal Incidents In the areas, which have been identified as communally sensitive and riot prone districts and police officials of the highest known efficiency, impartiality and secular record must be posted. In such areas and even elsewhere, the prevention of communal tension

should be one of the primary duties of the district magistrate and superintendent of police. Their performance in this regard should be an important factor in determining their promotion prospects.

14. Prosecution for Communal Offences Severe action should be taken against all those who incite communal tension or take part in violence. Special court or courts specifically earmarked to try communal offences should be set up so that offenders are brought to book speedily.

15. Rehabilitation of Victims of Communal Riots Victims of communal riots should be given immediate relief and provided prompt and adequate financial assistance for their rehabilitation.

B. Schemes of Educational Empowerment

1. Pre-matric Scholarship Scheme The pre-matric scholarship scheme for students belonging to the Minority Communities was launched in 2008 as a Centrally Sponsored Scheme (CSS) on a 75:25 fund sharing ratio between the Centre and States. The Union Territories are provided 100% assistance under the Scheme. It is implemented through the state Governments/Union Territory Administrations. Students with not less than 50 marks in the previous final examination, whose parents'/guardians' annual income does not exceed ₹ 1.00 lakh, are eligible for award of the pre-matric scholarship under the scheme.

An outlay of ₹ 5000 crores has been provided in the Twelfth Five Year Plan to award two crore fresh scholarships and renewals during the plan period (2012-17). 30% of scholarships have been earmarked for girl students.

2. Post-matric Scholarship Scheme The scheme of post-matric scholarship for students belonging to the minority communities was launched in 2007 as a Centrally Sponsored Scheme (CSS) with 100% central funding and is implemented through the State Government/Union Territory Administrations. The scholarship is awarded for studies in India in a government higher secondary school/college including residential government higher secondary school/college and eligible private institutes selected and notified in a transparent manner by the state Government/Union Territory Administration concerned. The students with not less than 50% marks in the previous year's final examination, whose parents'/guardians' annual income does not exceed ₹ 2 lakh are eligible for award of scholarship. 30 of scholarships have been earmarked for girl students. In case sufficient number of girl students are not available, then eligible boy students are to be given these scholarships.

An outlay of ₹ 2850 crore has been provided in the Twelfth Five Year Plan to award 25 lakh fresh scholarships and renewals during the plan period (2012-17).

3. Merit-cum-Means Based Scholarship Scheme The Merit-cum-Means Scholarship Scheme is a Centrally Sponsored Scheme launched in 2007. It is being implemented through state Governments/Union Territory Administrations. The entire expenditure is being borne by the Central Government. The scholarships are available for pursuing professional and technical courses, at under-graduate and post-graduate levels, in institutions recognised by appropriate authority.

Under the scheme, 60,000 scholarships are proposed to be awarded every year in addition to the renewals. 30% of these scholarships are earmarked for girl students, which may be utilised by eligible boy students, if an adequate number of eligible girl students are not available. 85 institutes for professional and technical courses have been listed in the scheme. Eligible students from the

minority communities admitted to these institutions are reimbursed full course fee. A course fee of ₹ 20,000 per annum is reimbursed to students studying in other institutions.

To be eligible, a student should have secured admission in any technical or professional institution, recognised by an appropriate authority. In case of students admitted without a competitive examination, students should have secured not less than 50% marks. The annual income of the family from all sources should not exceed ₹ 2.50 lakhs.

4. Maulana Azad National Fellowship The Maulana Azad National Fellowship (MANF) for Minority Students scheme was launched in 2009 as a Central Sector Scheme (CSS). It is implemented through University Grants Commission (UGC). 100% central assistance is provided under the Scheme.

The objective of the Maulana Azad National Fellowship is to provide integrated five year fellowships in the form of financial assistance to students from notified minority communities, to pursue higher studies such as M.Phil and Ph.D. The fellowship covers all Universities/Institutions recognised by the University Grants Commission (UGC).

The fellowship under the Maulana Azad National Fellowship for minority students is on the pattern of University Grants Commission (UGC) Fellowship awarded to research students pursuing regular and full time M.Phil and Ph.D. courses. In order to qualify for the award of JRF/SRF the UGC norms would be applicable at pre-M.Phil and pre-Ph.D stage, respectively, including the minimum score of 50% at post graduate level. The income ceiling of the parents/guardian of the candidate for Maulana Azad National Fellowship for minority students is ₹ 2.5 lakh per annum.

An outlay of ₹ 430 crores has been provided in the Twelfth Five Year Plan to award 3780 fresh fellowships and renewals during the plan period (2012-17). 30% of fellowships have been earmarked for girl students.

5. Free Coaching and Allied Scheme The “Free Coaching and Allied Scheme for the candidates belonging to minority communities” was launched in 2007. It was modified in 2008 for a wider coverage.

The objective of the scheme is to enhance skills and knowledge of students and candidates from minority communities to get employment in Government Sector/Public Sector Undertakings, jobs in private sector, and admission in reputed institutions in technical and professional courses at undergraduate and post-graduate levels and remedial coaching in such institutions to complete courses successfully.

Under the scheme, financial assistance is provided to coaching institutes in Government and private sector for imparting free coaching/training to candidates belonging to minority communities.

To avail benefits under this scheme, candidates/students should belong to a minority community. The annual income of parents/guardians from all sources should not exceed ₹ 2.50 lakh. The candidates/students should have the requisite educational qualifications for coaching/training course they want to pursue.

6. Maulana Azad Education Foundation The Maulana Azad Education Foundation (MAEF) is a voluntary, non-political, non-profit making social service organisation established to promote education amongst the educationally backward minorities. It was registered as a society under the Societies Registration Act, 1860 in 1989.

The aim of the Foundation is to formulate and implement educational schemes and plans for benefit of the educationally backward minorities in particular and weaker sections in general.

The MAEF is implementing the following two main schemes:

- (i) Grants-in-aid to NGOs for infrastructure development of educational institutions: The MAEF is providing grants-in-aid for the following :
 - (a) Construction/Expansion of schools/B.Ed. Colleges/VTC/ITI/Polytechnic and Hostel buildings
 - (b) Purchase of Science/Computer lab equipments/furniture
 - (c) NGOs running for at least three years & managing recognised educational institutions with more than 50% minorities students can apply.
 - (d) Maximum ceiling limit is ₹ 30 lakh.
- (ii) Maulana Azad National Scholarship to meritorious girl students belonging to minorities: The scholarship is given @ ₹ 12,000 per student (in two installments of ₹ 6,000 each) to the girl students belonging to minorities based on the following criterion:
 - (a) Passed 10th class with minimum 55% marks
 - (b) Confirmed admission to class 11th class.
 - (c) Having parents income less than ₹ 1 lakh per annum.
 - (d) Selection is made on merit basis based on state-wise quota.

7. Scheme of Support for Students Clearing Prelims From 2013-14, the Ministry started financial support for minority candidates clearing Prelims exams conducted by Union Public Service Commission, Staff Selection Commission and State Public Service Commissions.

The representation of the Minority Communities in the Civil Services continue to be lower compared to the ratio of their population. Recruitment of minority candidates as reported by Ministry of Personnel, Public Grievance and Pensions, Department of Personnel and Training (DoPT) was 8.23%; 9.90%; 7.28% and 11.9% in 2007-08; 2008-09; 2009-10; and 2010-11 respectively. This calls for policy intervention in the form of special support for minorities to clear the competitive Civil Services Examinations.

The objective of the Scheme is to provide financial support to the minority candidates clearing prelims conducted by Union Public Service Commission, Staff Selection Commission and State Public Service Commissions to adequately equip them to compete for appointment to Civil Services in the Union and the State Governments and to increase the representation of the minority in the Civil Services by giving direct financial support to candidates clearing Preliminary Examination of Group A and B (Gazetted and non-Gazetted posts of Union Public Service Commission (UPSC); State Public Service Commissions (SPSCs) and Staff Selection Commission (SSC), etc.

The total family income of the candidates from all sources should not exceed ₹ 4.5 lakh per annum. The financial support can be availed by a candidate only once. The candidate will not be eligible to benefit from any other similar Scheme of the Central or State Governments/UT Administrations.

Every year up to a maximum of 800 candidates are given financial support under the scheme throughout the country. The rate of financial assistance is ₹ 50,000 for Gazetted Post; and ₹ 25,000 for Non-Gazetted Post.

8. Nalanda Project “Nalanda Project” is an innovative Faculty Development Program of the Ministry for awareness, orientation and development of faculties of Minority Universities/Minority Managed Degree Colleges (MMDCs) and higher educational institutions located in minority concentration areas in the country. The Project has been launched under the scheme of

“Research/Studies, Monitoring, Evaluation of the Development Schemes including Publicity” in February 2014 at Aligarh Muslim University, Aligarh (UP).

The Ministry is of firm conviction that to strengthen the efforts for educational development of minorities, it is also essential to organise orientations programs for teachers from time to time in addition to support to students. Though agencies like NCERT, NEUPA etc. are involved in such teachers training and development programs, yet Ministry considers that in case of minorities, more efforts are required to develop faculty of higher education institutions.

The need for faculty development programs in higher education is immense for several reasons, viz., increases in the complexity of higher education; demands from internal and external constituencies and the necessity to balance teaching, scholarship, service, and personal responsibilities. Faculty development is a process through which faculty enhance their teaching and research base in an effort to become a more effective teacher, scholar and contributor to academic and professional communities.

The aims and objectives of the project are mentioned below:

- (i) To inspire, stimulate, and motivate faculty to go beyond usual routines.
- (ii) To help them understand student perspectives.
- (iii) To introduce varied approaches to teaching and learning.
- (iv) To integrate these in to their repertoire of knowledge and skills.
- (v) To integrate modern pedagogy and higher education system with information technology skills to meet the global standards.

9. Padho Pardesh (Scheme of Interest Subsidy on Educational Loans for Overseas Studies)

“Padho Pardesh” is the new scheme of the Ministry launched in 2013-14, wherein the Ministry provides interest subsidy to minority students who avail loans from banks for overseas studies. The scheme of Interest Subsidy on educational loans for overseas studies promotes educational advancement of student from minority communities.

The objective of the scheme is to award interest subsidy to meritorious students belonging to economically weaker sections of notified minority communities so as to provide them better opportunities for higher education abroad and enhance their employability.

This is a Central Sector-Scheme to provide interest subsidy to the student belonging to the minority communities on the interest payable for the period of moratorium for the education loans under the Scheme of interest subsidy on Educational Loans for Overseas Studies to pursue approved courses of studies abroad at Masters and Ph.D levels.

The Scheme is applicable for higher studies abroad. The interest subsidy is linked with the existing Educational Loan Scheme of Indian Banks’ Association (IBA) and restricted to students enrolled for courses at Masters, M.Phil and Ph.D levels. The interest subsidy under the scheme is available to the eligible students only once, either for Masters or Ph.D levels.

C. Schemes of Socio-Economic Empowerment

1. Identification of Minority Concentration Districts (MCDs) In 1987, a list of 41 minority concentration districts was drawn up based on a single criterion of minority population of 20 percent or more in a district as per 1971 Census for enabling focused attention of government programmes and schemes on these districts.

In order to ensure that the benefits of schemes and programmes of government reach the relatively disadvantaged segments of society, it was decided to identify districts on the basis of minority population of Census 2001 and backwardness parameters. A fresh exercise was, therefore, carried out based on population figures and the following backwardness parameters of 2001 Census:

Religion-specific socio-economic indicators at the district level:

- (i) literacy rate;
- (ii) female literacy rate;
- (iii) work participation rate; and
- (iv) female work participation rate.

Basic amenities indicators at the district level:

- (i) percentage of households with pucca walls;
- (ii) percentage of households with safe drinking water;
- (iii) percentage of households with electricity; and
- (iv) percentage of households with water closet latrines.

The process of identification of minority concentration districts has been carried out as follows:-

- (i) (a) Districts with a 'substantial minority population' of at least 25% of the total population were identified in 29 States/UTs.
- (b) Districts having a large absolute minority population exceeding 5 lakh and the percentage of minority population exceeding 20% but less than 25% were identified in 29 States/UTs.
- (c) In the six States/UTs, where a minority community is in majority, districts having 15% of minority population, other than that of the minority community in a majority in that State/UT were identified.
- (ii) Thereafter, the position of these districts in terms of "backwardness" was evaluated against the two sets of socio-economic and basic amenities indicators. 90 Minority Concentration Districts (MCDs) having a substantial minority population, which are relatively backward and falling behind the national average in terms of socio-economic and basic amenities indicators, have been identified in 2007 based on population data and the backwardness parameters of 2001 Census.

The Government while approving the identification of 90 MCDs directed for implementation of a special area development programme. To sharpen the focus on minority concentration areas and to extend the benefit to other deserving areas, the Ministry is proposing to identify the blocks and towns having substantial minority population during 12th Five Year Plan.

2. Scheme of Multi-Sectoral Development Programme The Multi-Sectoral Development Programme (MsDP) was launched in 2008-09. The programme aims at improving the socio-economic and basic amenity facilities for improving the quality of life of the people and reducing imbalances in the Minority Concentration Districts (MCDs).

The identified 'development deficits' are addressed through a district specific plan for provision of better infrastructure for school and secondary education, sanitation, pucca housing, drinking water and electricity supply, besides beneficiary oriented schemes for creating income generating activities.

The absolutely critical infrastructure linkages like connecting roads, basic health infrastructure, ICDS centers, skill development and marketing facilities required for improving living conditions and income generating activities and catalysing the growth process are eligible for inclusion in the plan.

The focus of this programme is on rural and semi-rural areas of the identified 90 minority concentration districts.

The programme is implemented by the Department in the State/UT dealing with minority affairs/welfare. Panchayati Raj Institutions/urban local bodies are involved in the implementation of the MsDP wherever the mechanism is established. The State may, however, decide to execute the project through any qualified, reputed, experienced agency, including renowned and widely accepted NGOs.

As far as possible, the focus of the programme is on providing appropriate social and economic infrastructure rather than targeting individual beneficiaries. In case schemes for individual benefits are taken up under the programme, there will be no divergence from existing norms for selection of beneficiaries from the list of BPL families in the district, so that benefits from the additional funds flow to all BPL families and not selectively to families of minority communities.

Financial assistance are sanctioned to the State Government/UT administration concerned on 100% grant basis in two installments linked with the satisfactory progress made as per approved plan. Funds under the programme are released to the states/UTs only against the approved district development plans. Once the proposal is approved for support by the Ministry of Minority Affairs, the first installment is released. State share wherever applicable is given by the State Government.

3. Nai Roshni (Scheme for Leadership Development of Minority Women) The scheme of Leadership Development of Minority Women (Nai Roshni) is a new initiative of the Ministry in the area of gender empowerment. The Ministry has started implementation of this scheme from the year 2012-13. The objective of the programme is to empower and instill confidence in women, by providing knowledge, tools and techniques for interacting with Government systems, banks, and intermediaries at all levels so that they are emboldened to move out of the confines of home and community and assume leadership roles and assert their rights, collectively and individually, in accessing services, facilities, skills and opportunities besides claiming their due share of development benefits for improving their lives and living conditions.

The eligible women belonging to notified minority communities are the target group. However, to further strengthen the mosaic of plurality in the society and bring about solidarity and unity through their own efforts to improve their lot, the scheme permits a mix of women from non-minority communities not exceeding 25% of a project proposal.

The scheme is implemented through registered Civil Societies, Public Trusts, Private Limited Non-Profit Companies, Universities/Institutions recognised by University Grants Commission (UGC) and Training Institutes of Central and State Government including Panchayati Raj institutions.

The leadership training modules invariably cover issues and rights of women, relating to education, employment, livelihood etc. under the Constitution and various Acts; opportunities, facilities and services available under schemes and programmes of the Central Government and state government in the fields of education, health, hygiene, nutrition, immunisation, family planning, disease control, fair price shop, drinking water supply, electricity supply, sanitation, housing, self-employment, wage employment, skill training opportunities, crimes against women, etc.

The organisation implementing the scheme are required to visit the village/locality periodically for providing nurturing/handholding service to the group of women imparted leadership development training so that they are guided in the use of tools and techniques taught to them and are able to extract the benefit from their efforts.

Villages/urban localities in rural/urban areas having a substantial percentage of minority

population are selected by the organisation for conducting the leadership development training programme. Organisation selected for carrying out training for leadership development of minority women has the responsibility to motivate, identify and select women to be trained in accordance with the criteria of the scheme from villages/localities having a substantial minority population. Although there is no annual income bar, woman/parent or guardian of woman having annual income not exceeding ₹ 2.50 lakh from all sources would be given preference in selection. They should be between the age group of 18 years to 65 years.

Under the scheme, two kinds of trainings namely, Non-Residential and Residential are supported by the Ministry in a batch of 25 women each. The training programme is for one week only. The Ministry provides financial assistance of ₹ 71550 for Non-Residential training per batch and ₹ 221250 for Residential training per batch.

4. Research/Studies, Monitoring and Evaluation of Development Schemes Including Publicity

The Ministry under the Central Sector Scheme 'Scheme of Research/Studies, Monitoring and Evaluation of Development Schemes including Publicity' provides professional charges to those institutions/Organisations which have the expertise and are willing to undertake purposeful studies on the problems, issues and requirement of notified minorities including baseline survey/surveys and also carrying out concurrent monitoring on the implementation of various schemes undertaken for minorities. Financial support is also extended to organisation(s) for holding Workshop/Seminar/Conference provided the theme of workshop/seminar/conference has direct relevance to the mandate of the Ministry.

The scheme also provides to carry out multi-media campaign involving print media, electronic media, outdoor publicity, etc. for dissemination of information to generate awareness relating to programmes, schemes and initiatives undertaken for notified minorities.

During 2012-13, the Ministry empanelled 37 expert Organisations to carry out research studies, base line surveys, concurrent monitoring, evaluation and impact assessment of the programmes of the Ministry.

5. Scheme for Computerisation of the Records of the State Waqf Boards The Waqf properties are spread out all over the country but effective survey of Waqf properties has not been carried out in most states. There is scope for large scale development of Waqf properties to ensure substantial income for the welfare schemes of the community.

In order to streamline record keeping of the Waqf lands, introduce transparency and social audit and to computerise the various functions/processes of the Waqf Boards and to develop a single web based centralised application, the scheme for computerisation of the records of the State Waqf Boards with the help of Central financial assistance was launched in 2009.

The broad objectives of the scheme for computerisation of Management of Waqf properties are as follows:-

- (a) Properties Registration Management.
- (b) Muttawalli Returns Management.
- (c) Leasing of Properties Management.
- (d) Litigations Tracking Management.
- (e) Documents Archiving & Retrieval Management.
- (f) GIS of Waqf Properties.

(g) Funds Management to Mosques, Durgah, Kabristan, Imams, Muzzins, widows, girls marriages, scholarships, schools, hospitals, dispensaries, musafir khanas, skill development centres etc.

(h) Loans Management for development of Urban Waqf properties.

6. National Minorities Development and Finance Corporation The National Minorities Development and Finance Corporation (NMDFC) was incorporated in 1994 as a non-profit company under the *Companies' Act*, 1956. NMDFC provides concessional loans for self-employment and income generating activities to persons of minority communities, having a family income below double the poverty line which at present is ₹ 55,000 per annum and ₹ 40,000 per annum in urban and rural areas respectively. NMDFC provides loans through (i) State Channelising Agencies (SCAs) nominated by the respective State/UT Governments and (ii) through Non-Governmental Organisations (NGOs). The following are the schemes run by NMDFC:

- (i) The scheme of Term Loan is implemented through SCAs, for individual beneficiaries, wherein projects costing up to ₹ 5 lakh are financed.
- (ii) Under the Educational Loan Scheme implemented through the SCAs, NMDFC provides ₹ 2,50,000 to the eligible candidates belonging to minority communities.
- (iii) Under micro financing scheme, implemented through SCAs as well as NGOs, microcredit up to ₹ 25,000 is being given to each of the members of the Minority Self Help Groups (SHGs).
- (iv) In addition, NMDFC is also implementing schemes of Vocational Training and Marketing Assistance through the SCAs for capacity building of the target groups for self employment as well as wage employment.

7. Grants-in-Aid Scheme to State Channelising Agencies The National Minorities Development and Finance Corporation implements its schemes through the State Channelising Agencies (SCAs). These agencies are nominated by the respective state governments. The SCAs identify beneficiaries, channelise the lending and make recoveries from the beneficiaries. However, most of the State Channelising Agencies have a very weak infrastructure leading to a weak delivery system. Consequently, the performance and the ambit of coverage of NMDFC may not improve unless the infrastructure of these agencies is improved.

The Ministry launched a scheme of Grants-in-Aid for improving the infrastructure of the SCAs during 2007-08. Under the scheme, assistance is provided on matching basis, the Central and the state govt. contributing in the ratio of 90:10.

8. National Waqf Development Corporation The Ministry has set up a new National Waqf Development Corporation (NAWADCO) in January, 2014. This is an initiative to finance the development of Waqf properties for public purposes throughout the country.

The setting up of NAWADCO would facilitate and mobilise financial resources for provision of amenities like schools, colleges, hospitals on Waqf properties for community purposes.

India has the largest number of Waqf properties in the world. The Prime Minister's High Level Committee on the Social, Economic and Educational Status of Muslim Community of India (also known as the Sachar Committee) in its report published in 2006 had mentioned that there are more than 4.9 lakhs registered auqaf spread over the country but the current annual income from these properties is only about ₹ 163 crores.

Many of these Auqaf (Waqf Properties/Assets) are on prime urban land and they have the potential

of generating considerable returns for fulfilling the objectives of the auqaf. The Sachar Committee had estimated that such properties, if properly developed, with a minimum return of 10%, would have potential of generating an income of about ₹ 12000 crore per annum.

The Corporation has an authorised share capital of ₹ 500 crore with initial paid up capital of ₹ 100 crore only. The contribution of National Minorities Development & Finance Corporation (NMDFC) in the authorised share capital of the corporation is 49%. The Central Waqf Council (CWC) and the individual Waqf Institutions and the Public have 9% and 42% shares respectively.

9. Minority Cyber Gram The Ministry has launched a pilot project “Minority Cyber Gram” for Digital literacy of Minorities in collaboration with Digital Empowerment Foundation in PPP Mode at village Chandauli, District Alwar, Rajasthan, in February 2014. Total 2,600 villagers have been targeted under this pilot project.

The MCGY programme seeks to introduce digital literacy skills in identified minority clusters in India through designated Digital Fellows towards knowledge empowerment and entitlement gains of minority focused groups and beneficiaries.

With basic literacy level low among the backward sections of the minorities, the social and economic profile is further aggravated due to lack of basic digital skills and knowledge to derive advantages from digital tools, devices, platforms and knowledge networks. In order to mainstream minority groups and communities with national development goals and objectives, it is extremely important and relevant to deploy and introduce digital literacy skills to get benefits in knowledge based networks and in public schemes and other services through information empowerment.

The objectives of the scheme are as follows:

- (i) To impart digital literacy and skills among identified minority groups and beneficiaries through designated Digital Fellows (DFs) in identified minority clusters for information and knowledge empowerment and entitlement gains.
- (ii) To provide opportunities in information and knowledge networks for local communities.

10. Jiyo Parsi (Scheme for Containing Population Decline of Parsis) The Ministry has launched a unique scheme with the name “Jiyo Parsi” during 2013-14 for containing population decline of Parsis in India. The scheme is being implemented with participation of Parzor Foundation, Bombay Parsi Panchayat and local Anjumans.

The studies conducted by the National Commission for Minorities (NCM) and the joint studies conducted by Parzor Foundation and Tata Institute of Social Science (TISS), have identified the following reasons as the important causes for decline in population of Parsis:

- (a) Late and non-marriages;
- (b) Fertility decline;
- (c) Emigration;
- (d) Out-Marriages; and
- (e) Separation and divorces

There has been a demand from the members of Parsi community for Government intervention to arrest the declining trend. In view of this, the Government of India considered it necessary to intervene immediately to arrest the declining trend of population of Parsi community and reverse it to bring their population above the threshold level.

The objective of the scheme is to reverse the declining trend of Parsi population by adopting a

scientific protocol and structured interventions, stabilise their population and increase the population of Parsis in India. The target groups within the Parsi community for the infertility treatment are as follows:

- (i) Parsi married couples of child bearing age who seek assistance under the scheme.
- (ii) Adults/young men/women/adolescent boys/girls for detection of diseases resulting in infertility.

11. Seekho aur Kamao (Scheme for Skill Development of Minorities) The Ministry has launched a new scheme “Seekho aur Kamao (Learn & Earn) for skill development of minorities during 2013-14. The scheme guarantees minimum 75% employment of trained minority youths and out of them 50% would be in organised sector. The Ministry has sanctioned ₹ 17 crore for skill development training of 20,164 minority youths in 29 states through 32 expert skill development organisations.

The objectives of the scheme are as follows:

- (i) To bring down unemployment rate of minorities during Twelfth Plan period.
- (ii) To conserve and update traditional skills of minorities and establish their linkages with market.
- (iii) To improve employability of existing workers, school dropouts etc. and ensure their placement.
- (iv) To generate means of better livelihood for marginalised minorities and bring them in the mainstream.
- (v) To enable minorities to avail opportunities in the growing market.
- (vi) To develop potential human resource for the country.

The scheme aims at upgrading the skills of the minority youths in various modern/traditional vocations depending upon their educational qualification, present economic trends and the market potential, which can earn them a suitable employment or make them suitably skilled to go for self employment.

The Ministry took up skill development programme for Modular Employable Skills (MES) which are approved by National Council of Vocational Training (NCVT). The MES courses approved by NCVT include majority of traditional skills being practiced by the minority communities e.g. Embroidery, Chikankari, Zardosi, Patch work, Gem and Jewelry, Weaving, Wooden works, Leather goods, Brass metal works, Glass wares, Carpet etc. Moreover, other courses approved by NCVT may also be taken up in a particular state or region depending on the demand and local market potential. This would help, on one hand to conserve the traditional arts and crafts practiced by minorities and on the other hand empower the minority communities to face the market challenges and avail opportunities.

WELFARE OF DISABLED PERSONS

The Ministry of Social Justice & Empowerment (MSJ & E) is operating various schemes for empowerment and rehabilitation of disabled persons/persons with disabilities (PwDs). These schemes aim to promote physical, psychological, social, educational and economic rehabilitation and development of persons with disabilities to enhance their quality of life and also enable them to lead a life with dignity. These schemes are explained below :

1. Assistance to Disabled Persons for Purchase/Fitting of Aids/Appliances (ADIP)

The main objective of the scheme is to provide grant in aid to the various implementing agencies (NGOs/NIs/District Disability Rehabilitation Centres/ALIMCO/State Handicapped Development Corporation/other local bodies) to assist the needy disabled persons in procuring durable, sophisticated and scientifically manufactured, modern, standard aids and appliances that can promote their physical, social and psychological rehabilitation, by reducing the effects of disabilities and enhance their economic potential. The aids and appliances supplied under the scheme must be ISI. The scheme also envisages conduct of corrective surgeries, whenever required, before providing an assistive device.

From the year 2007-08, a new approach for district-wise allocation of funds to organise disability camps for distribution of aids and appliance has been adopted to ensure coverage throughout the country. The funds under the ADIP Scheme have been earmarked for the following activities.

- (a) For holding ADIP-SSA Camps: Assistive aids and appliances are distributed to the children below 14 years of age and attending school under the Sarv Shiksha Abhiyan Scheme.
- (b) For Special Camps: Special camps are held on occasional basis whenever the demand arises.
- (c) For Headquarter Activity: The National Institutes require ADIP grant to attend to eligible beneficiaries who approach the Institute or their Regional Centres. Also, some well established NGOs have Centres/Sub-centres that carry out OPD activities and also undertake corrective surgery operations for Persons with Disability. Many disabled persons approach their centres/sub-centres for assistive aids and devices. Therefore, ADIP Grant is released for their HQ activities.
- (d) Services/Camps at the District: Under the ADIP Scheme, grants are also released for holding camps by the Implementing Agencies at the district level for distribution of assistive aids and devices.

2. Deendayal Disabled Rehabilitation Scheme (DDRS)

The Deendayal Disabled Rehabilitation Scheme (DDRS) includes projects for providing education and vocational training and rehabilitation of persons with mental disabilities. The scheme is being implemented since 1999 with the objective of ensuring effective implementation of the Persons with Disabilities Act, 1995, by creating an enabling environment and encouraging Non-governmental Organisations through financial assistance for undertaking projects for the empowerment of the disabled.

The DDRS guidelines, applicable since 2003, include 19 model projects covering various services provided by voluntary agencies which can be supported through grants-in-aid. The services provided include:

- (i) programmes for pre-school and early intervention
- (ii) special education,
- (iii) vocational training and placement
- (iv) community based rehabilitation

- (v) manpower development
- (vi) psycho-social rehabilitation of persons with mental illness
- (vii) rehabilitation of leprosy-cured persons, etc.

The cost norms of the Deendayal Rehabilitation Scheme had been revised by the Government in 2009. The guidelines of Deendayal Disabled Rehabilitation Scheme have also been revised. It includes revised cost norms for honoraria, recurring items & non-recurring items of expenditure. Besides this enhancement of cost norms, rationalisation and merger of manpower categories in the various model projects have been carried out. As against 80 categories in the original scheme, the revised list contains 66 manpower categories. 14 new trades that can be offered in VTCs have been added considering the demand for new skills like computer applications & programming, web-designing, internet management, mobile repairing etc.

District Disability Rehabilitation Centres set up by the Ministry are also funded under this scheme after they have been run for a period of five years in respect of such centres set up in Jammu & Kashmir or North East and three years in the rest of the country and handed over to a prominent NGO in the District for its further continuance and maintenance.

3. Scheme of Implementation of Persons with Disabilities Act, 1995 (SIPDA)

Grants-in-aid is provided under this scheme to state governments and various bodies set up by the Central and state governments, including autonomous bodies and universities, to support activities pursuant to implementation of the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, particularly relating to rehabilitation and provision of barrier-free access.

The District Disability Rehabilitation Centres (DDRCs) and Composite Rehabilitation Centres (CRCs) set up by the Ministry are provided support under this scheme. The range of activities for which grant in aid is provided with regard to barrier free access is wide, which includes ramps, lifts, tactile paths, new product development and research, etc.

The central assistance is given to state governments under SIPDA for the following two activities also:

- (i) To provide barrier free environment in important government buildings (State Secretariat, other important State level offices, Collectorates, State University Buildings/Campuses, Medical Colleges and Main Hospitals at Divisional Headquarters, other important Government buildings), for PwDs. This would include provision for ramps, rails, lifts, adaptation of toilets for wheelchair users, brail signages and auditory signals, tactile flooring, etc.
- (ii) To make Government websites at the state and district levels accessible to PwDs.

4. Artificial Limbs Manufacturing Corporation of India (ALIMCO)

ALIMCO was set up in 1972 by the Government of India under the Companies Act 1956. It is a “Not for Profit” company with the mission that Empowerment of Persons with Disabilities and restoration

of their dignity by way of manufacturing and supplying durable, sophisticated, scientifically manufactured modern and ISI standard quality assistive aids and appliances that can promote physical, psychological, social economic and vocational rehabilitation by reducing the effect of disabilities and enhancing potential for self-dependence.

ALIMCO is the premier and the largest manufacturer of quality Aids & Appliances in whole of South Asia. The Corporation has been exporting its products to Afghanistan, Angola, Bangladesh, Bhutan, Cambodia, Ghana, Hong Kong, Israel, Namibia, Nepal, Philippines, Sri Lanka, Tanzania, UAE, Uzbekistan and USA.

5. National Institutes for Disabled Persons

There are seven National Institutes under this Ministry working in the field of disability. National Institutes are autonomous bodies established for different types of disabilities. These institutes are engaged in Human Resources Development in the field of disability, providing rehabilitation services to the persons with disabilities and Research and Development efforts. The seven National Institutes are mentioned below in the Table :

Table 18.2 National Institutes for Disabled Persons

<i>S. No.</i>	<i>Name</i>	<i>Year of establishment</i>	<i>Location</i>
1.	National Institute for the Visually Handicapped (NIVH)	1979	Dehradun
2.	Ali Yavar Jung National Institute for the Hearing Handicapped (AYJNIHH)	1983	Mumbai
3.	National Institute for the Orthopaedically Handicapped (NIOH)	1978	Kolkata
4.	Swami Vivekanand National Institute for the Rehabilitation, Training and Research (SVNIRTAR)	1975	Cuttack
5.	Pt. Deendayal Upadhyaya Institute for the Physically Handicapped (PDUIPH)	1960	New Delhi
6.	National Institute for the Mentally Handicapped (NIMH)	1984	Secunderabad
7.	National Institute for Empowerment of Persons with Multiple Disabilities (NIEPMD)	2005	Chennai

6. Establishment of Sign Language Training & Research Centre

The Eleventh Five Year Plan document envisaged that “The needs of persons with hearing and/or speech impairment have been relatively neglected so far. In the Eleventh Plan, a determined effort will be made on mainstreaming this segment. The interventions planned will provide access to information in all its forms. A large number of sign language interpreters need to be developed for hearing impaired people to access health, employment and legal services. Subtitling and captioning of

all recorded information and similar support services is also essential. Therefore, during the Eleventh Plan period a Sign Language Research and Training Centre will be established which will be devoted to the development and promotion of sign language of teachers and interpreters”.

The Ministry has in 2011, approved the establishment of an Indian Sign Language Research & Training Centre (ISLRTC), initially on project basis for a period of five years, as an autonomous Centre of the Indira Gandhi National Open University (IGNOU), New Delhi. The aim of the ISLRTC is to promote the use and spread of Indian Sign Language in cooperation with native sign language users through a comprehensive range of activities including research, teaching materials and curriculum development, outreach and awareness programmes, thereby improving the provision of interpreting and translation services for education, employment, and inclusion of the Deaf community in India.

7. Composite Regional Centres (CRCs)

Consequent to the enactment of the *Persons with Disability Act* (PWD), 1995 which enjoins upon the government a responsibility for taking up steps for providing an enabling environment for Persons with Disabilities, Scheme of setting up CRCs was formulated. The scheme of setting up of Composite Regional Centres is a part of overall strategy to reach out to the persons with disabilities in the country and to facilitate the creation of the required infrastructure and capacity building at Central, State and District levels and below for awareness generation, training of rehabilitation professionals, service delivery, etc.

It was thought that initiative from the Central Government is necessary by supporting establishment of CRCs in order to speed up the process of establishing rehabilitation services and sharing with the State Government the innovative model of services developed by National Institutes, Regional Rehabilitation and Training Centres, DDRCs, etc and also to do capacity building, to establish, strengthen and upgrade rehabilitation services to reach unreached disabled population. Centres were proposed to be set up at locations where the existing infrastructure for providing comprehensive services to disabled were inadequate and where such centres are needed the most.

At the beginning of 2011-12, there were six CRCs functioning at Sundernagar (Himachal Pradesh), Srinagar (Jammu & Kashmir), Lucknow (Uttar Pradesh), Guwahati (Assam), Patna (Bihar) and Bhopal (Madhya Pradesh). Two new CRCs have been sanctioned for setting up at Ahmadabad (Gujarat) and Kozhikode, Kerala. CRC Ahmadabad (Gujarat) has become functional from August, 2011 and CRC Kozhikode (Kerala) from February, 2012.

8. District Disability Rehabilitation Centres

To facilitate the creation of infrastructure and capacity building at district level for awareness generation, rehabilitation, training and guiding rehabilitation professionals, the Ministry with the active support of the state governments is providing comprehensive services to the persons with disabilities by way of setting up of District Disability Rehabilitation Centres in all the unserved districts of the country. The scheme of setting up DDRCs was initiated in Ninth Five Year Plan.

DDRCs are provided financial, infrastructure, administrative and technical support by the Central and State Governments, so that they are able to provide rehabilitative support to persons with disabilities in the district. The objectives of the DDRCs are as follows:

- Survey and identification of persons with disability through camp approach;
- Awareness Generation for encouraging and enhancing prevention of disabilities;
- Early intervention;
- Assessment of need of assistive devices, provision/fitment of assistive devices, follow up/repair of assistive devices;
- Therapeutic Services e.g. Physiotherapy, Occupation Therapy, Speech Therapy etc.;
- Facilitation of Disability Certificates, bus passes and other concessions and facilities for persons with disabilities;
- Referral and arrangements for surgical correction through Government and Charitable institutes;
- Arrangement of loans for self employment, through banks and other financial institutions including State Channelising Agencies (SCAs) of NHFDC;
- Counseling of disabled, their parents and family members;
- Promotion of barrier free environment;
- To provide supportive and complementary services to promote education, vocational training and employment for persons with disabilities through:-
 - Providing orientation training to teachers, community and families
 - Providing training to persons with disabilities for early motivation and early stimulation for education, vocational training and employment
 - Identifying suitable vocations for persons with disabilities, keeping in view local resources and designing and providing vocational training and identifying suitable jobs, so as to make them economically independent
 - Provide referral services for existing educational, training and vocational institutions

The Scheme is a joint venture of the State and Central Governments. The DDRCs are funded through the 'Schemes for implementation of the PwD Act' for an initial period of 3 years (5 years in case of North Eastern Region, J&K, A&N Islands, Puducherry, Daman & Diu and Dadra & Nagar Haveli) and thereafter the funding is made through the Scheme of Deendayal Disabled Rehabilitation Scheme (DDRS) on tapering basis.

9. National Handicapped Finance and Development Corporation

The National Handicapped Finance and Development Corporation (NHFDC) was set up in 1997. The company is registered under the Company Act, 1956 as a company not for profit.

The objectives of the Corporation are as follows:

- (a) Promote economic development activities and self-employment ventures for the benefit of persons with disability.
- (b) Extend loan to the persons with disability for upgradation of their entrepreneurial skill for proper and efficient management of self-employment ventures.
- (c) Extend loan to persons with disability for pursuing professional/technical education leading to vocational rehabilitation/self-employment.
- (d) To assist self-employed individual with disability in marketing their finished goods.

NHFDC functions as an apex institution for channelising the funds to persons with disabilities through the State Channelising Agencies (SCAs) nominated by the state government(s).

NHFDC offers financial assistance in the form of concessional loans on convenient terms for setting up an income generating activity to all eligible Indian citizens with 40% or more disability and between 18-60 years of age.

NHFDC also provides funds and organises various activities in the interest of persons with disabilities and to achieve its mandate. These are:

- (i) Financial assistance in the form of grant is provided for conducting/sponsoring the training under the scheme of Skill & Entrepreneurial Development.
- (ii) NHFDC also provides funds to its SCAs for advertisement and publicity of NHFDC schemes. The NHFDC is presently implementing following scholarship scheme of the Ministry for the students with disabilities:

- (i) Scholarship Scheme for students with disabilities from a fund of the Ministry called the National Fund for People with Disabilities.
- (ii) Scholarship Scheme for students with disabilities funded out of Trust Fund for Empowerment of Persons with Disabilities (Trust Fund).

10. Scheme of Incentives to Employers in the Private Sector for Providing Employment to Persons with Disabilities

A Scheme of Incentives to the Private Sector for Employment of Physically Challenged Persons was launched in 2008. Under this scheme, the Government of India provides the employer's contribution for Employees Provident Fund (EPF) and Employees State Insurance (ESI) for three years, for employees with disabilities employed in the private sector on or after 01.04.2008, with a monthly salary upto ₹ 25,000.

The beneficiaries under the Scheme are:

- (i) Persons with disabilities as defined under the *Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995* and the *National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999*.
- (ii) The scheme is applicable for the employees covered under EPF Act, 1952 and ESI Act, 1948
- (iii) The employees (persons with disabilities) appointed on or after 1.4.2008.

The incentive scheme is voluntary in nature. Wide publicity has been given to sensitise and encourage the employer in private sector to avail the benefit of the scheme.

11. National Awards for the Empowerment of Persons With Disabilities

The National Awards are conferred on persons with disabilities having outstanding achievements and the individuals and Organisations that are working for the empowerment of persons with disabilities. These awards have been instituted with the objective to focus public attention on issues concerning persons with disabilities and to promote their mainstreaming in the society. The awards are conferred

by the President of India on 3rd December every year on the 'International Day of Disabled Persons.'

The National awards are given under 13 broad categories as under:-

- (i) Best Employees/Self Employed with disabilities;
- (ii) Best Employers and Placement Officer/Agency for Placement of Persons with Disabilities (Govt. Sector, PSU and Private Sector);
- (iii) Best Individual and Institution working for the Cause of Persons with Disabilities;
- (iv) Role Model Awards;
- (v) Best Applied Research/Innovation/Product Development aimed at improving the life of persons with Disabilities;
- (vi) Outstanding Work in the Creation of Barrier-free Environment for the Persons with Disabilities;
- (vii) Best District in Providing Rehabilitation Services;
- (viii) Best Local Level Committee of National Trust;
- (ix) Best State Channelising Agency of National Handicapped Federation Development Corporation;
- (x) Outstanding Creative Adult Persons with Disabilities;
- (xi) Best Creative Child with Disabilities;
- (xii) Best Braille Press; and
- (xiii) Best "Accessible" Website.

12. Science and Technology Project in Mission Mode

The Science and Technology Project in Mission Mode is engaged in development of technology which ultimately leads to availability of suitable devices that are of high quality, durable, comfortable and help in integration of persons with disabilities into the mainstream of society. It also aims to enhance the possibility of employment, educational services, and skill development through research for the benefit of the persons with disabilities.

Funds are provided under this scheme to established Research & Development Centres, Academic Institutions, Public Sector Industries, and other agencies for undertaking the research activities for the persons with disabilities.

13. National Scholarship for Persons with Disabilities

The National Handicapped Welfare Fund, subsequently renamed as National Fund for People with Disabilities (National Fund) was established in 1983 under the Charitable Endowment Act, 1890. Presently, the National Fund is implementing a scholarship scheme for students with disabilities out of interest income generated by a corpus of funds invested in banks and other financial securities. This scheme has been implemented since the academic year 2002-03.

Five hundred new scholarships to be awarded each year are equally distributed (125 each) for the four major categories of disabilities, viz., (i) Orthopedic (ii) Visual (iii) Hearing and (iv) Others. Further, 40% of the scholarships in each category are reserved for girls.

14. Trust Fund for Empowerment of Persons with Disabilities

The Supreme Court judgment dated 16.04.2004 contained directions for immediate creation of a Trust Fund to be managed by a Board of Management consisting of CAG of India as Chairperson and Secretary, Law & Justice and Secretary, Financial Services as Ex-officio members, with a corpus created from recovery of excess interest tax/interest collections by banks and other financial institutions and subsequent creation of a statutory trust fund through amendment of the PwD Act.

In pursuance of the above directions of the Supreme Court, a Trust Fund for Empowerment with Persons with Disabilities, chaired by Comptroller and Auditor General of India, was registered on 21.11.2006. The corpus of the fund is presently ₹ 176 crores. A scholarship scheme for differently-abled students has been formulated to be implemented out of the interest earned on the corpus. The scheme envisages encouraging differently—abled students by providing scholarships and other assistance to pursue professional or technical courses and various skill development courses for their empowerment. Every year 1000 scholarships are provided to the differently-abled students throughout the country. 30% scholarships are reserved for girls, which are transferable to male students in case of non-availability of female candidates.

15. Rajiv Gandhi National Fellowship Scheme for Students with Disabilities

In 2012-13, the Ministry has launched a new scheme namely, Rajiv Gandhi National Fellowship (RGNF) to increase opportunities to students with disabilities for pursuing higher education leading to degrees such as M.Phil. and Ph.D. The scheme caters the requirements of the students with disabilities for pursuing research degree in universities, research institutions and scientific institutions. This not only enable them to be eligible for employment to the posts of Lecturers lying vacant in various colleges and universities but also equip them to effectively take advantage of the growing opportunities at the national and international level in the context of the new economic order.

The scheme caters total number of 200 Fellowships [Junior Research Fellows (JRF)] per year to students with disabilities. The scheme covers all universities/institutions recognised by the University Grants Commission (UGC) and is implemented by the UGC itself on the pattern of the scheme of UGC Fellowships being awarded to research students pursuing M. Phil. and Ph.D. These fellowships are available to students with disabilities who are covered under the *Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995*.

Any student with disabilities who has been admitted to M.Phil./Ph.D. degree in a University or academic institution by completing the required formalities for admission in that University or academic institution is eligible for the award of Fellowship. After two years, if the progress in the research work of the awardee is found satisfactory, his/her tenure is extended for a further period of three years as Senior Research Fellowship (SRF).

WELFARE OF OLDER PERSONS

The Ministry of Social Justice & Empowerment (MSJ & E) is implementing various schemes and programmes for the welfare and maintenance of the older persons/senior citizens. They are explained

below :

1. Scheme of Integrated Programme for Older Persons

The Scheme of Integrated Programme for Older Persons (IPOP) is being implemented since 1992. Under the Scheme, financial assistance up to 90% of the project cost is provided to Government/Non-Governmental Organisations/Panchayati Raj Institutions/local bodies etc. for establishing and maintaining old age homes, day care centres and mobile medicare units.

The scheme was revised in 2008. Besides increase in amount of financial assistance for existing projects, several innovative projects have been added as being eligible for assistance under the scheme. Some of these are:

- Maintenance of Respite Care Homes and Continuous Care Homes;
- Running of Day Care Centres for Alzheimer's Disease/Dementia Patients,
- Physiotherapy Clinics for older persons;
- Help-lines and Counseling Centres for older persons;
- Sensitising programmes for children particularly in schools and colleges;
- Regional Resource and Training Centres;
- Training of Caregivers to the older persons;
- Awareness Generation Programmes for Older Persons and Care Givers;
- Formation of Senior Citizens Associations etc.

The eligibility criteria for beneficiaries of some important activities/projects supported under the Scheme are:

- Old Age Homes—for destitute older persons
- Mobile Medicare Units—for older persons living in slums, rural and inaccessible areas where proper health facilities are not available
- Respite Care Homes and Continuous Care Homes—for older persons seriously ill requiring continuous nursing care and respite

2. Assistance for Construction of Old Age Homes

A Non-Plan Scheme of Assistance to Panchayati Raj Institutions/Voluntary Organisations/Self Help Groups for Construction of Old Age Homes/Multi Service Centers for Older Persons was started in 1996-97. Grants-in-aid to the extent of 50% of the construction cost subject to a maximum of ₹ 15 lakhs was given under the Scheme, was disbursed in two instalments, first being 70% and second being 30%. The organisation had to show matching contribution while applying for 2nd instalment. The Scheme was not found attractive by implementing agencies and was discontinued at the end of the Xth Plan (2006-07).

The *Maintenance & Welfare of Parents & Senior Citizens Act, 2007* envisages a provision of at least one old age home for indigent senior citizens with 150 capacity in every district of the country. A new Centrally-sponsored Scheme for giving assistance for Establishment of Old Age Homes for Indigent Senior Citizens in pursuance of the said provision is under formulation.

3. Vayoshreshtha Sammans (Scheme of National Award for

Senior Citizens)

In order to recognise the efforts made by eminent senior citizens and institutions involved in rendering distinguished services for the cause of elderly persons, especially indigent senior citizens, the Ministry started in 2013 the Scheme of National Award for Senior Citizens ('Vayoshrestha Sammans'). The Scheme showcases the Government's concern for senior citizens and its commitment towards senior citizens with the aim of strengthening their legitimate place in the society. It also provides an opportunity to the younger generations to understand the contribution of the elderly in building of the society and the nation.

Vayoshrestha Sammans are conferred every year in thirteen categories on 1st October on the occasion of International Day of Older Persons (IDOP). The Award in each category carry a Citation, a Plaque and also cash award in some of the categories as decided from time to time. The award is given to eminent or outstanding institutions or organisations and individuals from any part of the country. The 13 categories are mentioned below :

- (i) Best Institution for Research in the field of Ageing.
- (ii) Best Institution for providing Services to Senior Citizens and Awareness Generation.
- (iii) Best District Panchayat in providing services and facilities to senior citizens.
- (iv) Best Urban Local Body in providing services and facilities to senior citizens.
- (v) Best State in implementing the *Maintenance and Welfare of Parents and Senior Citizens Act*, 2007, and providing services and facilities to Senior Citizens.
- (vi) Best Private Sector Organisation in promoting the well being and welfare of senior citizens.
- (vii) Best Public Sector Organisation in promoting the well being and welfare of senior citizens
- (viii) Centenarian
- (ix) Iconic Mother
- (x) Lifetime Achievement
- (xi) Creative Art
- (xii) Sports and Adventure (one each for Male and Female)
- (xiii) Courage & Bravery (one each for Male and Female)

4. Schemes/Programmes of Other Ministries

Ministry of Rural Development The Ministry of Rural Development is implementing the Indira Gandhi National Old Age Pension Scheme (IGNOAPS) under which Central assistance is given towards pension @ ₹ 200 per month to persons above 60 years and @ ₹ 500 per month to persons above 80 years belonging to a household below poverty line, which is meant to be supplemented by at least an equal contribution by the states.

Ministry of Health and Family Welfare The Ministry of Health and Family Welfare provides the following facilities for senior citizens:

- Separate queues for older persons in government hospitals.
- Geriatric clinic in several government hospitals.
- National Programme for the Health Care for the Elderly (NPHCE) from the year 2010–11.

Ministry of Finance The Insurance Regulatory Development Authority (IRDA) in 2009 issued instructions on health insurance for senior citizens to CEOs of all General Health Insurance Companies which, inter-alia, includes:

- Allowing entry into health insurance scheme till 65 years of age.
- Transparency in the premium charged.
- Reasons to be recorded for denial of any proposals etc. on all health insurance products catering to the needs of senior citizens. Likewise the insurance companies cannot deny renewability without specific reasons.

The Ministry provides the following tax benefits for senior citizens:

- Income tax exemption for Senior Citizens of 60 years and above up to ₹ 2.50 lakh per annum.
- Income tax exemption for Senior Citizens of 80 years and above up to ₹ 5 lakh per annum.
- Deduction of ₹ 20,000 under Section 80D is allowed to an individual who pays medical insurance premium for his/her parent or parents, who is a senior citizen.
- An individual is eligible for a deduction of the amount spent or ₹ 60,000, whichever is less for medical treatment of a dependent senior citizen.

Ministry of Home Affairs The *Maintenance and Welfare of Parents and Senior Citizens Act*, 2007 provides for protection of life and property of senior citizens. The State Governments are required to prescribe a comprehensive action plan for providing protection of life and property of senior citizens.

The Ministry of Home Affairs in 2008 issued advisory to state governments to ensure that the life and property of senior citizens is fully protected.

Ministry of Railway The Ministry of Railways provides the following facilities to senior citizens:

- Separate ticket counters for senior citizens of age 60 years and above at various (Passenger Reservation System) PRS centres if the average demand per shift is more than 120 tickets;
- Provision of lower berth to male passengers of 60 years and above and female passengers of 45 years and above.
- 40% and 50% concession in rail fare for male and female senior citizen respectively of 60 years and above respectively.
- Wheel chairs at stations for old age passengers.

Ministry of Civil Aviation The Ministry of Civil Aviation provides air fare concession up to 50% for male passenger aged 65 years and above and female passenger aged 63 years and above in the National Carrier, Air India.

WELFARE OF VICTIMS OF DRUG ABUSE

The Ministry of Social Justice & Empowerment (MSJ & E) is implementing various schemes and programmes for the welfare and rehabilitation of the victims of drug abuse. These are explained below:

1. Awareness Generation Campaign About the Ill-Effects of

Alcoholism and Substance Abuse

The Ministry recognizes drug abuse as a psychosocio-medical problem, which can be best handled by adoption of a family/community-based approach by active involvement of NGOs/Community Based Organisations (CBOs). The strategy for demand reduction is three-pronged:

- (a) Awareness building and educating people about ill-effects of drug abuse.
- (b) Community based intervention for motivational counseling, identification, treatment and rehabilitation of drug addicts, and
- (c) Training of volunteers/service providers and other stakeholders with a view to build up a committed and skilled cadre.

The Ministry in collaboration with Nehru Yuva Kendra Sanghathan has conducted an awareness generation programme in the State of Punjab and Manipur covering 3000 villages of 10 districts in the State of Punjab and 750 villages of 7 districts in the State of Manipur. This programme was completed in November, 2012. Nehru Yuva Kendra Sanghathan through its network of volunteers at village level had engaged in creation of awareness about the ill-effects of Alcoholism and Substance (Drug) Abuse among the rural masses through various activities and programmes such as –

- (a) Formation of Advisory Committees at Village, District and State levels for coordination and implementation of the project
- (b) Personal contact and Peer education activities
- (c) Focused Group-Interactions, sensitisation and motivation of political and religious leaders, parents and teachers.
- (d) Social and Mass Education Programme viz. (i) theme based songs-rock band, traditional and other preferred/liked locally, (ii) holding rallies-mass awareness generation, educational and motivational campaigns and distribution of IEC materials, (iii) story telling and case studies on overcoming and refraining from drug abuse and alcoholism, (iv) participating yoga or other physical activities as accepted by local community, (v) public lectures by experts, (vi) wall writing and poster campaign, (vii) holding theme based street plays and cultural programmes, (viii) painting competition at schools and villages, (ix) slogan and essay writing competitions at village, school and college level etc.

The Ministry also collaborated with National Bal Bhawan in awareness generation programme among the children of the age group of 12-16 years through a series of activities like poster making, creative writing, lecture, rally, nukkad natak etc. at local, zonal and national level.

2. National Awards for Outstanding Services in the Field of Prevention of Alcoholism and Substance (Drug) Abuse

Substance abuse being a psycho-social-medical problem, community based intervention through Non-Governmental Organisations (NGOs), Panchayat/Municipal bodies, Educational Institutions etc. has been considered as the best approach for treatment and rehabilitation of the addicts. In order to recognise the efforts and encourage excellence in the field of prevention of substance abuse and rehabilitation of its victims, the Ministry started in 2013 the “Scheme of National Awards for outstanding services in the field of Prevention of Alcoholism and Substance (Drug) Abuse”. The Scheme is applicable to institutions and individuals working in the field of Prevention of Drug and

Alcoholism Abuse.

The following awards (generally one in each category) are presented, every year, on 26th June, which has been declared by the United Nations, as the International Day against Drug Abuse and Illicit Trafficking:

- (i) Best Integrated Rehabilitation Centre for Addicts (IRCA) for providing rehabilitation services to alcoholics and drug users.
- (ii) Best Regional Resource and Training Centre (RTC) providing exemplary contribution in the field of prevention of addiction.
- (iii) Best Panchayati Raj or Municipal Body working for prevention of alcoholism and substance (drug) abuse
- (iv) Best Educational Institution doing outstanding work in awareness generation and prevention of alcoholism and substance (drug) abuse
- (v) Best Non-Profit Institution with outstanding contribution to Prevention of Alcoholism and Substance (Drug) Abuse.
- (vi) Best Research or Innovation
- (vii) Best Awareness Campaign
- (viii) Outstanding individual achievement by a professional
- (ix) Outstanding individual achievement by a non-professional
- (x) Former addict, who has done outstanding work in the field of awareness generation or de-addiction or rehabilitation

3. National Consultative Committee on De-addiction and Rehabilitation (NCCDR)

A National Consultative Committee on De-addiction and Rehabilitation Services (NCCDR) under the chairpersonship of Minister for Social Justice & Empowerment was constituted in 2008. The Committee has representation of various stakeholders, which also include agencies dealing with supply and demand reduction. The Committee advises the Government on issues connected with drug demand reduction, education/awareness building, de-addiction and rehabilitation of drug-addicts. The first meeting of the Committee was held in 2008. Two major recommendations which emerged in the meeting were:

- (i) To bring about further necessary changes in the Scheme for Prevention of Alcoholism and Substance (Drugs) Abuse and
- (ii) To formulate a national policy on Prevention of Alcoholism and Substance Abuse and rehabilitation of its victims.

A sub-committee of the NCCDR was constituted in 2009 to take necessary steps in regard to both the above recommendations. The sub-Committee submitted its recommendations in 2010 (i) suggesting changes in the ongoing scheme on de-addiction and (ii) a draft for formulation of a policy on drug demand reduction.

These recommendations on the changes to the scheme and the draft national policy were discussed in the second meeting of NCCDR. Further action on revising the Scheme for Prevention of Alcoholism and Substance (Drugs) Abuse and redrafting the national policy on Prevention of

Alcoholism and Substance Abuse and rehabilitation of its victims is in progress.

4. Assistance to Voluntary Organisations for Prevention of Alcoholism and Drug Abuse

The 'Scheme of Assistance for the Prevention of Alcoholism & Substance (Drugs) Abuse and for Social Defence Services' is the flagship scheme of the Ministry in the field of drug demand reduction. The Scheme has two parts viz. (i) 'Assistance for the Prevention of Alcoholism & Substance (Drugs) Abuse' (Part I) and (ii) 'Financial Assistance in the Field of Social Defence' (Part II).

The Scheme of Assistance for the Prevention of Alcoholism and Substance (Drugs) Abuse is being implemented for identification, counseling, treatment and rehabilitation of addicts through voluntary and other eligible organisations. Under this scheme, financial assistance up to 90% of the approved expenditure is given to the voluntary organisations and other eligible agencies for setting up/running Integrated Rehabilitation Centre for Addicts (IRCAs), Regional Resource and Training Centres (RRTC), for holding Awareness-cum-de-addiction camps (ACDC) and Workplace Prevention Programmes etc. In the case of North-Eastern states, Sikkim and Jammu & Kashmir, the quantum of assistance is 95% of the total admissible expenditure. The balance has to be borne by the implementing agency.

The important features of the scheme are mentioned as follows:

- (i) the honorarium rates for service providers of the Integrated Rehabilitation Centres for Addicts (IRCA) projects have been enhanced,
- (ii) provision for food for inmates who are below poverty line (BPL) has been introduced at the rate of ₹ 900 per month per inmate,
- (iii) Panchayati Raj Institutions/Urban Local Bodies have been included under the organisations/institutions eligible for receiving assistance under the scheme, and
- (iv) the 15 and 30 bed IRCAs can be upgraded to 20 and 40 beds respectively, in the urban areas and the North-East.

5. Financial Assistance in the Field of Social Defence

The Scheme of 'General Grants-in-Aid Programme for Financial Assistance in the Field of Social Defence' aims to:

- (i) Meet urgent needs falling within the mandate of the Ministry which cannot be met under the its regular schemes; and
- (ii) Support such initiatives of an innovative/pilot nature in the area of welfare and empowerment of the Ministry's target groups, as cannot be supported under its regular schemes.

Financial assistance is given up to 90% of the approved expenditure to the voluntary and other eligible organisations. In case of an organisation working in a relatively new area where both voluntary and Government effort is very limited but the need for the service is very great the Government may bear up to 100% of the cost.

6. National Centre for Drug Abuse Prevention (NCDAP)

Training is an important component for capacity building and skill development for the service providers. It is important to have exposure to the new trends regarding the kind of drugs abused, medical and psychiatric problems, new medicines/methodologies available for the treatment of addiction through participation in training programmes and conferences. Updating and training through refresher courses also needs to be provided to existing staff.

A National Centre for Drug Abuse Prevention (NCDAP) was established in 1998, in the National Institute of Social Defence (NISD) at New Delhi to serve as an apex body for training, research and documentation in the field of alcoholism and drug demand reduction.

7. Regional Resource and Training Centres (RRTC)

Ten Non-Governmental Organisations (NGOs), with long years of experience and expertise in treatment, rehabilitation, training and research have been designated as Regional Resource and Training Centres (RRTCs) for different regions of the country.

These serve as field training units of National Centre for Drug Abuse Prevention (NCDAP) on various aspects of demand reduction. RRTCs provide the following services to the NGOs working in the field of Drug Abuse Prevention:

- (i) Documentation of all activities of the NGOs including preparation of Information, Education and Communication (IEC) material.
- (ii) Undertaking Advocacy, Research and Monitoring of drug abuse programmes.
- (iii) Technical support to the NGOs, Community Based Organisations and Enterprises.

CIVIL RIGHTS ACT, 1955

In pursuance of Article 17 of the Constitution of India, the *Untouchability (Offences) Act, 1955* was enacted and notified in 1955. Subsequently, it was amended and renamed in 1976 as the “*Protection of Civil Rights Act, 1955*”. Rules under this Act, viz., “The Protection of Civil Rights Rules, 1977” were notified in 1977. The Act extends to the whole of India and provides punishment for the practice of untouchability. It is implemented by the respective State Governments and Union Territory Administrations.

Provisions of the Act

The provisions of the *Protection of Civil Rights Act, 1955*, are as under:

1. Offences under the Act The Act defines the following as offences if committed on the ground of “untouchability”, and lays down punishment for them:

- (i) Prevention from entering public worship places, using sacred water resources.
- (ii) Denial of access to any shop, public restaurant, hotel, public entertainment, cremation ground, etc.
- (iii) Refusal of admission to any hospital, dispensary, educational institutions, etc.
- (iv) Refusal to sell goods and render services.
- (v) Molestation, causing injury, insult, etc.
- (vi) Compelling a person on the ground of untouchability to do any scavenging or sweeping or to remove any carcass, etc.

2. Punishments under the Act The Act contain and certain preventive/deterrent provisions, which are as follows:

- (i) Cancellation or suspension of licenses on conviction.
- (ii) Resumption or suspension of grants made by government.
- (iii) Punishment for willful neglect of investigation by a public servant.
- (iv) Power of state government to impose collective fine.
- (v) Enhanced penalty on subsequent conviction.

3. Other Provisions Besides the above, the Act contains the following other provisions:

- (i) Presumption by courts in certain cases.
- (ii) Offences to be cognisable and to be tried summarily.
- (iii) State governments to take measures for effective implementation of the Act.

Implementation of the Act

The structure and mechanisms for implementation of the PCR Act in various States/UTs is as under:-

The Act provides for (i) Legal Aid, (ii) Special Courts, (iii) Committees to assist state governments for implementation of the Act, and (iv) special police stations. The details are given below:

(i) Legal Aid The Act provides for adequate facilities, including legal aid to the persons subjected to any disability arising out of ‘untouchability’ to enable them to avail themselves of such rights.

(ii) Special Courts The Act provides for setting up of special courts for trial of offences under the Act.

(iii) Committees to Assist State Governments for Implementation of the Act The Act provides for setting up of Committees at such appropriate levels as the state governments may think fit to assist them in formulating or implementing measures as may be necessary for ensuring that the rights arising from the abolition of “untouchability” are made available to, and are availed of by, the persons subjected to any disability arising out of “untouchability”.

The State and District Level Vigilance and Monitoring Committees, which review the implementation of the *Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989*, wherever required also review the *Protection of Civil Rights Act, 1955*.

(iv) Special Police Stations Special Police Stations for registration of complaints of offences against SCs and STs have been set up. The Central assistance is provided to the states to the extent of 50% of the expenditure incurred by them on the police stations over and above their committed liability.

The States/UTs-wise details indicating the measures taken for implementation of the Act are mentioned below in [Table 19.1](#):

Table 19.1 State/UT-wise Details of Measures Taken for Implementation of the Protection of Civil Rights Act, 1955

<i>S. No.</i>	<i>States/UTs</i>	<i>Special Courts</i>	<i>Vigilance and Monitoring Committees</i>	<i>Special Police Stations</i>
States				
1.	Andhra Pradesh	a	a	x
2.	Bihar	a	a	a
3.	Chhattisgarh	a	a	a
4.	Goa	a	a	x
5.	Gujarat	a	a	x

6.	Haryana	a	a	x
7.	Himachal Pradesh	a	a	x
8.	Jammu & Kashmir	x	x	x
9.	Jharkhand	a	a	x
10.	Karnataka	a	a	x
11.	Kerala	a	a	x
12.	Madhya Pradesh	a	a	a
13.	Maharashtra	a	a	x
14.	Odisha	a	a	x
15.	Punjab	a	a	x
16.	Rajasthan	a	a	x
17.	Tamil Nadu	a	a	x
18.	Uttar Pradesh	a	a	x
19.	Uttarakhand	a	a	x
20.	West Bengal	a	a	x
NE Region				
21.	Assam	a	a	x
22.	Arunachal Pradesh	x	x	x
23.	Manipur	x	x	x
24.	Meghalaya	x	x	x
25.	Mizoram	x	x	x
26.	Nagaland	x	x	x
27.	Sikkim	x	a	x
28.	Tripura	a	a	x
Union Territories				
29.	Delhi	a	a	x
30.	Puducherry	a	a	x
31.	Andaman & Nicobar Islands	a	a	a
32.	Chandigarh	a	x	x
33.	Dadra & Nagar Haveli	a	a	x
34.	Daman & Diu	a	a	x
35.	Lakshadweep	x	x	x

Note: a = Yes, x = No

SCS AND STS ATROCITIES ACT, 1989

The *Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act*, 1989 (the PoA Act) came into force in the year 1990. This legislation aims at preventing commission of offences by persons other than Scheduled Castes and Scheduled Tribes against Scheduled Castes and Scheduled Tribes.

The Act extends to whole of India except Jammu and Kashmir. The Act is implemented by the respective state governments and Union Territory Administrations, which are provided due central assistance under the Centrally Sponsored Scheme for effective implementation of the provisions of the Act.

Provisions of the Act

The provisions of the Act are mentioned below:

- (i) Defines offences of atrocities and prescribes punishment therefore.
- (ii) Punishment for willful neglect of duties by non-SC/ST public servants.
- (iii) Enhanced punishment for subsequent conviction.
- (iv) Forfeiture of property of certain persons.
- (v) Designating for each District a Court of Session as a Special Court for speedy trial of offences under the Act.
- (vi) Powers of Special Court to inter-alia, extern persons likely to commit an offence.
- (vii) Penalty for non-compliance with the order of a Special Court.
- (viii) Appointment of Public Prosecutors/Special Public Prosecutors for conducting cases in special courts.
- (ix) Power of state government to impose collective fine.
- (x) Preventive action to be taken by the law and order machinery.
- (xi) Measures to be taken by state governments for effective implementation of the Act, including:
 - (a) Economic and social rehabilitation of victims of the atrocities;
 - (b) Setting up of committees at appropriate levels;
 - (c) Identification of atrocity prone areas;
 - (d) Legal aid to the persons subjected to atrocities to enable them to avail themselves of justice;
 - (e) Appointment of officers for initiating or exercising supervision over prosecution for contravention of the provisions of the Act; and
 - (f) Periodic survey of the working of the provisions of the Act.

Provisions of the Rules

The Comprehensive Rules under PoA Act, titled “Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995” were notified in 1995 which, inter-alia, provide norms for relief and rehabilitation. Certain amendments in the PoA Rules related to the minimum scale of relief for atrocity victims have been made. Accordingly the previous rates (between ₹ 20,000 and ₹ 2,00,000) of relief to the victims of atrocity, their family members and dependents have been generally increased by 150% (between ₹ 50,000 to ₹ 5,00,000). The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (Amendment) Rules, 2011, have been notified in 2011.

The provisions of the PoA Rules are as under:

- (i) Precautionary and Preventive Measures to be taken by the State Governments regarding offences of atrocities.
- (ii) Investigation of offences under the Act to be done by not below the rank of a DSP level officer.
- (iii) Investigation to be completed within 30 days and report forwarded to Director General of Police of the State.
- (iv) Setting up of the Scheduled Castes and the Scheduled Tribes Protection Cell at State headquarters under the charge of Director General of Police/IG Police.
- (v) Nomination of (a) a Nodal Officer at the state level (not below the rank of a Secretary to the state government), and (b) a Special Officer at the district level (not below the rank of an Additional District Magistrate) for districts with identified atrocity prone areas to co-ordinate the functioning of DMs, SPs and other concerned officers, at the State and District levels, respectively.
- (vi) Provision of immediate relief in cash or kind to victims of atrocities as per prescribed norms.
- (vii) State-level Vigilance and Monitoring Committee under the Chief Minister to meet at least twice a year.
- (viii) District-Level Vigilance and Monitoring Committees under the District Magistrate to meet at least once every quarter.

Implementation of the Act

The structure and mechanisms for implementation of the PoA Act in various States/UTs is as under: -

(i) Special Courts In accordance with the Act, the state government, for the purpose of providing for speedy trial, specifies for each district, a Court of Session to be Special Court to try the offences under the Act. State governments and Union Territory Administrations of Andhra Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Odisha, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, Uttarakhand, West Bengal, Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli, Daman & Diu, Delhi, Lakshadweep and Puducherry have designated District Session Courts as Special Courts. For ensuring speedy trial of cases under the Act, 178 exclusive Special Courts, have also been set up by ten of the states. The details are given below in [Table 19.2](#):

Table 19.2 PoA Act 1989—Establishment of Exclusive Special Courts

<i>S.No.</i>	<i>State</i>	<i>Total Number of Districts</i>	<i>Number of Exclusive Special Courts in Districts</i>
1.	Andhra Pradesh	23	23
2.	Bihar	38	11
3.	Chhattisgarh	20	06
4.	Gujarat	26	25
5.	Karnataka	28	07

6.	Madhya Pradesh	50	43
7.	Rajasthan	33	17
8.	Tamil Nadu	32	04
9.	Uttar Pradesh	71	40
10.	Uttarakhand	13	02
Total		334	178

(ii) Special Public Prosecutor The Act provides for appointment of advocates as Public Prosecutors and Special Public Prosecutors for the purpose of conducting cases in special courts. Accordingly the States/Union Territories, which have set up special courts, have appointed Public Prosecutors/Special Public Prosecutors.

(iii) Setting up of SC/ST Protection Cells at State Headquarters The PoA Rules requires the state government to set up an SC/ST Protection Cell, at the state headquarters, under the charge of a DGP, ADGP/IGP and assign to it the following responsibilities:

- conducting survey of, maintaining public order and tranquility in, and recommending deployment of special police force in identified areas;
- investigating causes of offences under the Act, restoring feeling of security among SC/ST;
- liaising with nodal and special officers about law and order situation in identified areas;
- monitoring investigation of offences and enquiring into willful negligence of public servants;
- reviewing the position of cases registered under the Act; and
- submitting a monthly report to the State Government/Nodal Officer about action taken/proposed to be taken in respect of the above.

SC/ST Protection Cells have been set up in Andhra Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Odisha, Punjab, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh, West Bengal, Andaman & Nicobar Islands, Daman & Diu and NCT of Delhi.

(iv) Special Police Stations Special Police Stations for registration of complaints of offences against SCs and STs have also been set up by the Governments of Bihar, Chhattisgarh, Jharkhand, Kerala and Madhya Pradesh. The details are given below in [Table 19.3](#):

Table 19.3 PoA Act 1989 – Establishment of Special Police Stations

<i>S.No.</i>	<i>State</i>	<i>Total Number of Districts</i>	<i>No. of Spl. Police Stations</i>
1.	Bihar	38	38
2.	Chhattisgarh	18	13
3.	Jharkhand	24	22
4.	Kerala	14	3
5.	Madhya Pradesh	50	50
Total		144	126

(v) Nodal Officers: The PoA Rules provides for appointment of the nodal officers for coordinating functioning of the District Magistrates and Superintendents of Police or other authorised officers.

(vi) State and District-Level Vigilance and Monitoring Committees The PoA Rules provide for setting up State Level Vigilance and Monitoring Committees under the Chairpersonship of the Chief Minister and District-level Vigilance and Monitoring Committees under the Chairpersonship of the District Magistrate to review the implementation of the provisions of the Act.

(vii) Identification of Atrocity Prone Areas and Undertaking of Consequential Steps

(a) As per the PoA Rules, the state governments have identified the atrocity prone/sensitive areas in their respective states.

(b) The PoA Rules provide for appointment of a Special Officer not below the rank of an Additional District Magistrate in the identified area, to co-ordinate with the District Magistrate, Superintendent of Police or other officers responsible for implementing the provisions of the Act.

The State/UT-wise details of the above mentioned measures under the Act are given below in [Table 19.4](#):

Table 19.4 State/UT-wise Measures for Implementation and Monitoring of PoA Act, 1989

<i>States/UTs</i>	<i>Special Exclusive Courts</i>	<i>Spl. Public Prosecutors</i>	<i>State/District-level Vigilance and Monitoring Committee</i>	<i>Nodal Officer of Atrocity Prone Areas</i>	<i>Spl. Officer Police</i>	<i>Spl. Statio</i>
States						
1. Andhra Pradesh	a	a	a	a	a	x
2. Bihar	a	a	a	a	a	a
3. Chhattisgarh	a	a	a	A	a	x
4. Goa	a	x	a	a	a	x
5. Gujarat	a	a	a	a	a	a
6. Haryana	a	x	a	a	a	x
7. Himachal Pradesh	a	x	a	a	a	x
8. Jammu & Kashmir	PoA Act does not extend to the State					
9. Jharkhand	a	x	a	a	a	a
10. Karnataka	a	a	a	a	a	a
11. Kerala	a	a	a	a	a	x
12. Madhya Pradesh	a	a	a	a	a	a
13. Maharashtra	a	x	a	a	a	x
14. Odisha	a	x	a	a	a	a
15. Punjab	a	x	a	a	a	x
16. Rajasthan	a	a	a	a	a	a

17.	Tamil Nadu	a	a	a	a	a	a	x	x
18.	Uttar Pradesh	a	a	a	a	a	a	a	x
19.	Uttarakhand	a	x	a	a	a	x	x	x
20.	West Bengal	a	x	a	a	a	x	x	x
NE Region									
21.	Assam	a	x	a	a	a	x	a	x
22.	Arunachal Pradesh	a	x	a	x	x	x	x	x
23.	Manipur	a	x	a	x	a	x	x	x
24.	Meghalaya	a	x	a	x	x	x	x	x
25.	Mizoram	a	x	a	x	x	x	x	x
26.	Nagaland	a	x	a	a	a	x	x	x
27.	Sikkim	a	x	a	a	x	x	x	x
28.	Tripura	a	x	a	a	a	x	x	x
Union Territories									
29.	Delhi	a	x	a	a	a	x	x	x
30.	Puducherry	a	x	a	a	a	x	x	x
31.	Andaman & Nicobar Islands	a	x	a	a	x	x	x	x
32.	Chandigarh	a	x	a	a	a	x	x	x
33.	Dadra & Nagar Haveli	a	x	a	a	a	x	x	x
34.	Daman & Diu	a	x	a	a	a	x	x	x
35.	Lakshadweep	a	x	a	x	x	x	x	x

Note : a = Yes, x = No

Review Committee

The Parliamentary Committee on the Welfare of the Scheduled Castes and the Scheduled Tribes in its fourth Report (2006-2007) had inter-alia recommended that Ministry of Social Justice & Empowerment, Ministry of Home Affairs, National Commission for Scheduled Castes and National Commission for Scheduled Tribes should meet regularly to devise ways and means to curb atrocities and ensure effective administration of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

In pursuance of this recommendation, a Committee for effective coordination to devise ways and means to curb offences of untouchability and atrocities against Scheduled Castes and Scheduled Tribes and effective implementation of the two Acts was set up under the Chairpersonship of Minister for Social Justice & Empowerment in March, 2006. Apart from other official members, the Committee has three non-official representatives from amongst Scheduled Castes and Scheduled Tribes, as Members. The Committee has so far held twenty meetings wherein 24 States and 4 Union

Territories have been reviewed.

FOREST RIGHTS ACT, 2006

Rationale of the Act

The forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers inhabiting forests for generations were in occupation of the forest land for centuries. However, their rights on their ancestral lands and their habitats had not been adequately recognised despite them being integral to the very survival and sustainability of the forest eco-system. The traditional rights and interests of forest dwelling scheduled tribes and other traditional forest dwellers on forest lands were left unrecognised and unrecorded through faulty reservation process during consolidation of State forests, in the past.

The forest dwelling tribal people and the forests are inseparable, a factor that also ensures conservation of ecological resources stemming from the very ethos of tribal life. The conservation processes for creating wilderness and forest areas for production forestry somehow ignored the bonafide interests of the tribal community from legislative framework in the regions where tribal communities primarily inhabited. The simplicity of tribals and their general ignorance of modern regulatory frameworks precluded them from asserting their genuine claims to resources in areas where they belonged and depended upon. The modern conservation approaches also advocated exclusion rather than integration. It was much later that forest management regimes initiated action to recognise the occupation and other rights of the forest dwellers and integrated them in designs of management. Insecurity of tenure and fear of eviction from the lands where they had lived and thrived for generations were perhaps the biggest reasons why tribal communities felt emotionally as well as physically alienated from forests and forest lands. This historical injustice needed correction and, therefore, the government enacted the *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006*, which is commonly known as *Forest Rights Act (FRA)*.

The Act also goes beyond the “recognition” of forest rights and also empowers the forest rights holders, Gram Sabhas and local level institutions with the right to protect, regenerate, conserve and manage any community forest resource. This marks a decisive step forward in resource governance itself. Hailed rightly as a milestone in the history of tribal peoples’ and forest dwellers’ movements, the Act endeavors to facilitate their political empowerment to govern the forests for sustainable use and conservation.

Provisions of the Act

The various provisions/features of the *Forest Rights Act* are as follows:

1. The Act lists the rights which shall be the forest rights of the forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers. These forest rights are :
 - (a) right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dweller;
 - (b) community rights such as nistar, by whatever name called, including those used in erstwhile

Princely States, Zamindari or such intermediary regimes;

- (c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
 - (d) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;
 - (e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;
 - (f) rights in or over disputed lands under any nomenclature in any State where claims are disputed;
 - (g) rights for conversion of *Pattas* or leases or grants issued by any local authority or any state government on forest lands to titles;
 - (h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;
 - (i) right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;
 - (j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State;
 - (k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
 - (l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, which are not mentioned in (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;
 - (m) right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes and other Traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to 13 December, 2005.
2. The Act provides for diversion of forest land for certain facilities managed by the Government notwithstanding anything contained in the *Forest Conservation Act*, 1980 and which involve felling of trees not exceeding seventy five trees per hectare and the forest land to be diverted for the purpose is less than one hectare and the clearance of such development project is recommended by the Gram Sabha.
3. The Act recognises and vests forest rights in forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers notwithstanding anything contained in any other law for the time being in force.
4. The Act provides for modification or resettlement of forest rights in critical wildlife habitats of National Parks and Sanctuaries for the purpose of creating inviolate areas for wildlife conservation subject to fulfilment of the following conditions :
- (a) process of recognition of rights is complete in all the areas under consideration,

- (b) no other reasonable option exists,
- (c) it has been established that the activities or the impact of the present right holders will cause irreversible damage and threaten the existence of wildlife and their habitat,
- (d) free and informed consent of the concerned Gram Sabhas has been obtained,
- (e) resettlement or alternative package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected families and communities given in the relevant laws and policy of the Central Government, and
- (f) the resettlement should take place only after the facilities and land allocation at the resettlement location are complete.

It is also provided that critical wildlife habitats from which right holders are relocated shall not be subsequently diverted for other users.

5. The Act subjects the recognition and vesting of the forest rights to the condition that the forest dwelling Scheduled Tribes or Other Traditional Forest Dwellers had occupied the forest land before 13 December, 2005. It also stipulates that the rights conferred shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons.
6. A very important and crucial safeguard has been provided to the forest right holders. It mandates that no forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers shall be evicted or removed from the forest land under his occupation till the recognition and verification procedure is complete.
7. The right to hold and live in the forest land under the individual or common occupation for habitation and for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribes or Other Traditional Forest Dwellers shall be restricted to area under actual occupation and shall in no case exceed an area of four hectares. Further, the Act provides that forest rights shall be conferred free from all encumbrances and procedural requirements.
8. The forest rights recognised and vested under this Act includes the right of land to forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to state development interventions and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.
9. The Act empowers the holders of forest rights, the Gram Sabha and the village-level institutions to:
 - (a) protect the wildlife, forest and bio-diversity;
 - (b) ensure that adjoining catchment area, water sources and other ecological sensitive areas are adequately protected;
 - (c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage; and
 - (d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals and the bio-diversity are complied with.

10. The Act deals with the authorities and procedures to vest forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers. There is a three-tier structure of authorities to vest forest rights. The Gram Sabha is the initiating authority for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers. The Sub-Divisional Level Committee examines the resolution passed by the Gram Sabha and forwards it to the District Level Committee for the final decision. Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee and any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee. The decision of the District Level Committee on the record of forest rights is final and binding.

There is a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called by that agency. The Ministry of Tribal Affairs, Government of India, is the nodal agency for the implementation of this Act.

Implementation of the Act

As on 31-12-2012, the total number of claims filed under FRA is 32,37,656 out of which 27,91,330 claims have been disposed of and 12,79,076 titles have been issued. Odisha has the distinction of issuing highest number of titles which is 3,01,200 (3,00,321 individual titles and 879 community titles). Maharashtra has the distinction of having highest forest area over which titles have been issued under this Act. The total forest area over which title has been issued in Maharashtra is 6,35,915.57 acres. The detailed status of implementation of the Act is given below in [Table 19.5](#):

Table 19.5 State/UT-wise Status of Implementation of the Forest Rights Act, 2006

<i>Sl.No.</i>	<i>States/UTs</i>	<i>No. of claims received</i>	<i>No. of titles distributed</i>	<i>No. of claims rejected</i>	<i>Total No. of Claims disposed of / % with reference to claims received</i>
1.	Andhra Pradesh	3,30,479 (3,23,765 individual and 6,714 community)	1,67,797 (1,65,691 individual and 2,106 community)	1,53,438	3,21,235 (97.20%)
2.	Arunachal Pradesh	—	—	—	—
3.	Assam	1,31,911 (1,26,718 individual and 5,193 community)	36,267 (35,407 individual and 860 community)	37,669	73,936 (56.04%)
4.	Bihar	2,930	28	1,644	1,672 (57.06%)
5.	Chhattisgarh	4,92,068 (4,87,332	2,15,443 (2,14,668	2,72,664	4,88,107 (99.19%)

		individual and 4,736 community)	individual and 775 community)		
6.	Goa	—	—	—	—
7.	Gujarat	1,91,592 (1,82,869 individual and 8,723 community)	42,752 (40,994 individual and 1,758 community)	18,399 (13,252 individual and 5,142 community)	61,151 (31.91%)
8.	Himachal Pradesh	5,688	7	2,144	2,151 (37.81%)
9.	Jharkhand	42,003	15,296	16,958	32,254 (76.78%)
10.	Karnataka	1,63,320 (1,60,403 individual and 2,917 community)	6,288 (6,235 individual and 53 community)	1,55,417 (1,53,265 individual and 2,152 community)	1,61,705 (99.01%)
11.	Kerala	37,535 (36,140 individual and 1,395 community)	23,167 (23,163 individual and 4 community)	4,252	27,419 (73.04%)
12.	Madhya Pradesh	4,64,623 (4,51,498 individual and 13,125 community)	1,71,673 distributed and 7,528 title deeds are ready for distribution	2,79,503	4,51,176 (97.10%)
13.	Maharashtra	3,44,330 (3,39,289 individual and 5,041 community)	99,368 (98,335 individual and 1,033 community)	2,34,242 (2,32,111 individual and 2,131 community)	3,33,610 (96.88%)
14.	Manipur	—	—	—	—
15.	Meghalaya	—	—	—	—
16.	Mizoram	—	—	—	—
17.	Odisha	5,32,464 (5,29,160 individual and 3,304 community)	3,01,200 distributed (3,00,321 individual and 879 community)	1,31,970 (1,31,361 individual and 609 community)	4,33,170 (81.35%)
18.	Rajasthan	64,422 (64,076 individual and 346 community)	32,080 (32,027 individual and 53 community)	30,914	62,994 (97.78%)
19.	Sikkim	—	—	—	—
20.	Tamil Nadu	21,781 (18,420 individual and 3,361 community)	3,723 titles are ready #	—	—

21.	Tripura	1,82,617 (1,82,340 individual and 277 community)	1,20,473 (1,20,418 individual and 55 community)	21,384 (21,164 individual and 220 community)	1,41,857 (77.68%)
22.	Uttar Pradesh	92,433 (91,298 individual and 1,135 community)	17,705 (16,891 individual and 814 community)	73,028	90,733 (98.16%)
23.	Uttarakhand	182	—	1	1 (0.54%)
24.	West Bengal	1,37,278 (1,29,454 individual and 7,824 community)	29,532 (29,424 individual and 108 community) and 3,288 titles are ready	78,627	1,08,159 (78.78%)
25.	A & N Islands	—	—	—	—
26.	Daman & Diu	—	—	—	—
27.	Dadra & Nagar Haveli	—	—	—	—
	Total	32,37,656 (31,73,565 Individual and 64,091 community)	12,79,076 distributed and 14,539 ready	15,12,254	27,91,330 (86.21%)

In Tamil Nadu, the titles could not be distributed due to High Court's restrictive order.

DOMESTIC VIOLENCE ACT, 2005

Rationale of the Act

Domestic violence is undoubtedly a human rights issue and serious deterrent to development. The Vienna Accord of 1994 and the Beijing Declaration and the Platform for Action (1995) have acknowledged this. The United Nations Committee on Convention on Elimination of All Forms of Discrimination Against Women (1989) has recommended that State parties should act to protect women against violence of any kind, especially that occurring within the family.

The phenomenon of domestic violence in India is widely prevalent but has remained largely invisible in the public domain. Where a woman is subjected to cruelty by her husband or his relatives, it is an offence under section 498A of the Indian Penal Code. The civil law does not however address this phenomenon in its entirety.

Therefore, the *Protection of Women from Domestic Violence Act*, 2005 was enacted keeping in view the rights guaranteed under articles 14, 15 and 21 of the Constitution of India. The Act is intended to provide a remedy under the civil law for the protection of women from being victims of domestic violence and to prevent the occurrence of domestic violence in the society.

The Act is a comprehensive legislation to protect women from all forms of domestic violence. The Act also covers women who have been/are in a relationship with the abuser and are subject to violence of any kind—physical, sexual, mental, verbal or emotional.

The Ministry of Women and Child Development has notified the Protection of Women from Domestic Violence Rules, 2006 laying down the rules for implementation of the Act. The copies of the Act and the Rules have been circulated to all State Chief Secretaries with the request to appoint Protection Officers, register Service Providers and to give wide publicity to the Act for creating awareness of its provisions among the public.

Provisions of the Act

The various provisions/features of the Act are as follows:

1. It covers those women who are or have been in a relationship with the abuser where both parties have lived together in a shared household and are related by consanguinity, marriage, a relationship in the nature of marriage, or adoption. In addition, relationships with family members living together as a joint family are also included. Even those women who are sisters, widows, mothers, single women, or living with the abuser are entitled to the protection under the proposed legislation. However, whereas the Act enables the wife or the female living in a relationship in the nature of marriage to file a complaint against any relative of the husband or the male partner, it does not enable any female relative of the husband or the male partner to file a complaint against the wife or the female partner.
2. It defines “domestic violence” to include actual abuse or the threat of abuse that is physical, sexual, verbal, emotional or economic. Harassment by way of unlawful dowry demands to the woman or her relatives would also be covered under this definition.
3. It confers on the aggrieved woman the right to reside in a shared household, whether or not she has any title or rights for the same. In fact, a respondent, not being a female, can be directed under the Act to remove himself from the shared household or to secure for the aggrieved woman the same level of alternate accommodation as enjoyed by her in the shared household or to pay rent for the same.
4. The orders for reliefs the aggrieved woman is entitled to under the Act include protection orders, residence orders, monetary relief, custody orders and compensation orders.
5. It empowers the Magistrate to pass protection order in favour of the abused to prevent the abuser from aiding or committing an act of domestic violence or any other specified act, entering a workplace or any other place frequented by the abused, attempting to communicate with the abused, isolating any assets used by both the parties and causing violence to the abused, her relatives or others who provide her assistance against the domestic violence.
6. It provides for appointment of Protection Officers and recognises and involves non-governmental organisations as service providers for providing assistance to the abused with respect to her medical examination, obtaining legal aid, safe shelter, etc.

SEXUAL HARASSMENT OF WOMEN AT WORKPLACE ACT, 2013

The *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* was enacted to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment.

Rationale of the Act

The sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.

The protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India. It is expedient to make provisions for giving effect to the said convention for protection of women against sexual harassment at workplace.

The sexual harassment at workplace is a violation of women's right to gender equality, life and liberty. It creates an insecure and hostile work environment, which discourages women's participation in work, thereby adversely affecting their economic empowerment and the goal of inclusive growth. However, there is no domestic law to address this issue except a few provisions of the Indian Penal Code and the Supreme Court Guidelines in the case of Vishaka vs. State of Rajasthan. The increasing work participation rate of women has made it imperative that a comprehensive legislation focusing on prevention of sexual harassment as well as providing a redressal mechanism be enacted.

Provisions of the Act

The various provisions/features of the Act are as follows:

1. It defines "sexual harassment at the workplace" in a comprehensive manner, in keeping with the definition laid down in the Vishaka judgment, and broadening it further to cover circumstances of implied or explicit promise or threat to a woman's employment prospects or creation of hostile work environment or humiliating treatment, which can affect her health or safety.
2. The definition of "aggrieved woman", who will get protection under the Act is extremely wide to cover all women, irrespective of her age or employment status, whether in the organised or unorganised sectors, (public or private) and covers clients, customers and domestic workers as well.
3. While the "workplace" in the Vishaka guidelines is confined to the traditional office set-up where there is a clear employer-employee relationship, the Act goes much further to include organisations, departments, offices, branch units, etc., in the public and private sectors (organised and unorganised), hospitals, nursing homes, educational institutions, sports institutes, stadiums, sports complex and any place visited by the employee during the course of employment including the transportation.
4. Definition of employee covers regular/temporary/ad hoc/daily wage employees, whether for remuneration or not and can also include volunteers. The definition of employer includes the

head of the Government department/organisation/institution/office/branch/unit, the person responsible for management/supervisions/control of the workplace, the person discharging contractual obligations with respect to his/her employees and in relation to a domestic worker the person who benefits from that employment.

5. The redressal mechanism provided in the Act is in the form of Internal Complaints Committee (ICC) and Local Complaints Committee (LCC). All workplaces employing 10 or more than 10 workers are mandated under the Act to constitute an ICC. The ICC will be a four-member committee under the Chairpersonship of a senior woman employee and will include two members from amongst the employees preferably committed to the cause of women or has experience in social work/legal knowledge and includes a third party member (NGO, etc) as well.
6. Complaints from workplaces employing less than 10 workers or when the complaint is against the employer will be looked into by the LCC. A District Officer notified under the Act will constitute the LCC at the district level. LCC will also look into complaints from domestic workers.
7. LCC will be a five-member committee comprising of a chairperson to be nominated from amongst eminent women in the field of social work or committed to the cause of women, one member from amongst women working in block/taluka/tehsil/manicipality in the district, two members of whom at least one shall be a woman to be nominated from NGOs committed to the cause of women or a person familiar with the issues related to sexual harassment provided that at least one of the nominees should preferably have a background in law or legal knowledge. The concerned officer dealing with the social welfare or women and child development shall be an ex officio member.
8. A complaint of sexual harassment can be filed within a time limit of three months. This may be extended to another three months if the woman can prove that grave circumstances prevented her from doing the same.
9. The Act has a provision for conciliation. The ICC/LCC can take steps to settle the matter between the aggrieved woman and the respondent, however this option will be used only at the request of the woman. The Act also provides that monetary settlement shall not be made a basis of conciliation. Further, if any of the conditions of the settlement is not complied with by the respondent, the complainant can go back to the Committee who will proceed to make an inquiry.
10. The Committee is required to complete the inquiry within a time period of 90 days. On completion of the inquiry, the report will be sent to the employer or the District Officer, as the case may be, they are mandated to take action on the report within 60 days.
11. In case the complaint has been found proved, then the Committee can recommend action in accordance with the provision of service rules applicable to the respondent or as per the rules which will be prescribed, where such service rules do not exist. The Committee can also recommend deduction of an appropriate sum from the salary of the respondent or ask respondent to pay the sum. In case the respondent fails to pay such sum, district officer may be asked to recover such sum as an arrear of land revenue.
12. In case the allegation against the respondent has not been proved then the Committee can write to the employer/district officer that no action needs to be taken in the matter.
13. In case of malicious or false complaint then the Act provides for a penalty according to the Service Rules. However, this clause has a safeguard in the form of an enquiry prior to

establishing the malicious intent. Also, mere inability to prove the case will not attract penalty under this provision.

14. The Act has provisions for providing reliefs to the aggrieved woman in the interim period including leave and transfer during the pendency of the inquiry.
15. The Act prohibits disclosure of the identity and addresses of the aggrieved woman, respondent and witnesses. However, information regarding the justice secured to any victim of sexual harassment under this Act without disclosing the identity can be disseminated.
16. The Act casts a responsibility on every employer to create an environment which is free from sexual harassment. Employers are required to organise workshops and awareness programmes at regular intervals for sensitising the employees about the provision of this legislation and display notices regarding the constitution of Internal Committee, penal consequences of sexual harassment, etc.
17. An employer will be liable to a fine of ₹ 50,000 in case of violation of his duties under the Act and in case of subsequent violations the amount of fine will be double together with penalty in the form of cancellation of his licence, withdrawal or non-withdrawal of the registration required for carrying out his activity.
18. In case of domestic worker the procedure is different considering the nature of employment. A domestic worker can approach the LCC in case of any complaint. If the complainant wishes then conciliation may be carried out. However, in other cases if the complaint is proved prima facie then the LCC can forward the complaint to the police for registering the case and taking appropriate action under the relevant provision of IPC.

CHILDREN SEXUAL OFFENCES ACT, 2012

Rationale of the Act

Article 15 of the Constitution, inter-alia, confers upon the State powers to make special provision for children. Further, Article 39, inter alia, provides that the State shall in particular direct its policy towards securing that the tender age of children are not abused and their childhood and youth are protected against exploitation and they are given facilities to develop in a healthy manner and in conditions of freedom and dignity.

The United Nations Convention on the Rights of Children, ratified by India on 11th December, 1992, has prescribed a set of standards to be followed by all State parties in securing the best interests of the child. It requires the State parties to undertake all appropriate national, bilateral and multilateral measures to prevent :

- (a) the inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) the exploitative use of children in prostitution or other unlawful sexual practices; and
- (c) the exploitative use of children in pornographic performances and materials.

The data collected by the National Crime Records Bureau shows that there has been increase in cases of sexual offences against children. This is corroborated by the 'Study on Child Abuse: India 2007' conducted by the Ministry of Women and Child Development. Moreover, sexual offences against children are not adequately addressed by the existing laws. A large number of such offences are neither specifically provided for nor are they adequately penalised. The interests of the child,

both as a victim as well as a witness, need to be protected. It is felt that offences against children need to be defined explicitly and countered through commensurate penalties as an effective deterrence.

Therefore, a special law, namely, the *Protection of Children from Sexual Offences (POCSO) Act*, 2012 was passed to deal with child sexual abuse cases. The Act has come into force with effect from 14th November, 2012 along with the Rules framed thereunder.

The POCSO Act, 2012 is a comprehensive legislation to provide for protection of children from the offences of sexual assault, sexual harassment and pornography with due regard for safeguarding the interest and well being of the child at every stage of the judicial process, incorporating child-friendly procedures for reporting, recording of evidence, investigation and trial of offences and provision for establishment of Special Courts for speedy trial of such offences. It would contribute to enforcement of the right of all children to safety, security and protection from sexual abuse and exploitation.

Provisions of the Act

The various provisions/features of the POCSO Act of 2012 are as follows:

1. The Act defines a child as any person below the age of 18 years and provides protection to all children under the age of 18 years from the offences of sexual assault, sexual harassment and pornography. These offences have been clearly defined for the first time in law.
2. The Act provides for stringent punishments, which have been graded as per the gravity of the offence. The punishments range from simple to rigorous imprisonment of varying periods. There is also provision for fine, which is to be decided by the Court.
3. An offence is treated as “aggravated” when committed by a person in a position of trust or authority of child such as a member of security forces, police officer, public servant, etc.
4. Punishments for Offences covered in the Act are:
 - (i) Penetrative Sexual Assault – Not less than seven years which may extend to imprisonment for life.
 - (ii) Aggravated Penetrative Sexual Assault – Not less than ten years which may extend to imprisonment for life, and fine.
 - (iii) Sexual Assault – Not less than three years which may extend to five years, and fine.
 - (iv) Aggravated Sexual Assault – Not less than five years which may extend to seven years, and fine.
 - (v) Sexual Harassment of the Child – Three years and fine.
 - (vi) Use of Child for Pornographic Purposes – Five years and fine and in the event of subsequent conviction, seven years and fine.
5. The Act provides for the establishment of Special Courts for trial of offences under the Act, keeping the best interest of the child as of paramount importance at every stage of the judicial process. The Act incorporates child-friendly procedures for reporting, recording of evidence, investigation and trial of offences. These include:
 - (i) Recording the statement of the child at the residence of the child or at the place of his choice, preferably by a woman police officer not below the rank of sub-inspector.
 - (ii) No child to be detained in the police station in the night for any reason.

- (iii) Police officer not to be in uniform while recording the statement of the child.
 - (iv) The statement of the child to be recorded as spoken by the child.
 - (v) Assistance of an interpreter or translator or an expert as per the need of the child.
 - (vi) Assistance of special educator or any person familiar with the manner of communication of the child in case child is disabled.
 - (vii) Medical examination of the child to be conducted in the presence of the parent of the child or any other person in whom the child has trust or confidence.
 - (viii) In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.
 - (ix) Frequent breaks for the child during trial.
 - (x) Child not to be called repeatedly to testify.
 - (xi) No aggressive questioning or character assassination of the child.
 - (xii) In-camera trial of cases.
6. The Act recognises that the intent to commit an offence, even when unsuccessful for whatever reason, needs to be penalised. The attempt to commit an offence under the Act has been made liable for punishment for upto half the punishment prescribed for the commission of the offence.
 7. The Act also provides for punishment for abetment of the offence, which is the same as for the commission of the offence. This would cover trafficking of children for sexual purposes.
 8. For the more heinous offences of Penetrative Sexual Assault, Aggravated Penetrative Sexual Assault, Sexual Assault and Aggravated Sexual Assault, the burden of proof is shifted on the accused. This provision has been made keeping in view the greater vulnerability and innocence of children. At the same time, to prevent misuse of the law, punishment has been provided for making false complaint or proving false information with malicious intent. Such punishment has been kept relatively light (six months) to encourage reporting. If false complaint is made against a child, punishment is higher (one year).
 9. The media has been barred from disclosing the identity of the child without the permission of the Special Court. The punishment for breaching this provision by media may be from six months to one year.
 10. For speedy trial, the Act provides for the evidence of the child to be recorded within a period of 30 days. Also, the Special Court is to complete the trial within a period of one year, as far as possible.
 11. To provide for relief and rehabilitation of the child, as soon as the complaint is made to the Special Juvenile Police Unit (SJPU) or local police, they will make immediate arrangements to give the child, care and protection such as admitting the child into shelter home or to the nearest hospital within twenty-four hours of the report. The SJPU or the local police are also required to report the matter to the Child Welfare Committee within 24 hours of recording the complaint, for long-term rehabilitation of the child.
 12. The Act casts a duty on the Central and state governments to spread awareness through media including the television, radio and the print media at regular intervals to make the general public, children as well as their parents and guardians aware of the provisions of this Act.
 13. The National Commission for the Protection of Child Rights (NCPCR) and State Commissions for the Protection of Child Rights (SCPCRs) have been made the designated

authority to monitor the implementation of the Act.

CENTRAL SOCIAL WELFARE BOARD

Establishment of the Board

The Central Social Welfare Board (CSWB) was established in 1953 by an executive resolution of the Central Government. In 1969, the Board was registered as a charitable company under the Companies Act (1956) to give it a legal status.

The Board is an autonomous body under the Ministry of Women and Child Development, Government of India.

The Board was set up with the object of promoting social welfare activities and implementing welfare programmes for women, children and the handicapped through voluntary organisations. Dr. Durgabai Deshmukh, the Founder Chairperson of the Board, said: “This was a pioneering institutional arrangement which was innovated for mobilising voluntary effort by the government”.

The State Social Welfare Boards were set up in 1954 in all 33 States and Union Territories to work together with the Board in implementing programmes of the Central Board across the country. The Board is functioning as an interface between government and the voluntary sector.

The Board has been making concerted efforts for empowerment of women through Family Counselling Centre Programme, Short Stay Homes, Awareness Generation Programme, Condensed Courses of Education for Adult Women and other support services.

The Board has a long experience of almost six decades, a country-wide infrastructure to monitor implementation of programmes and a network of approximately 8000 voluntary organisations. The outreach of the programmes of the Board ranges from remote areas of the country from Leh to Andaman&Nicobar Islands and Lakshadweep as well as North-Eastern States.

Vision and Mission of the Board

The vision and mission of the Board are mentioned below :

Vision: To be the leading organisation for promotion of dedicated voluntary action for social and economic empowerment of women and care and support of children.

Mission: To support voluntary organisations financially and technically for socio economic empowerment of women and nurturing of children; to create an enabling environment of empowered women to live with dignity and participate as equal partners in development.

Functions of the Board

The functions of the Board are as follows:

- 1 To act as a change maker with a humanitarian approach by reinforcing the spirit of voluntarism
- 2 To develop a cadre of sensitive professionals committed to equity, justice and social change
- 3 To become a steering mechanism to create a network of committed social workers for the empowerment of weak, vulnerable and at-risk women and children
- 4 To recommend policy initiatives to meet the new challenges for women and children in emerging areas
- 5 To strengthen voluntary organisations and expand coverage of schemes in areas where they have not yet reached
- 6 To improve and strengthen its monitoring role so that it becomes a guide for the Government funds for its sustenance
- 7 To generate awareness about the challenges of a society in transition where new evils are impacting on the well being of women and children
- 8 To actively pursue innovative sources of funding aimed at achieving the above goals for women and children.

Organisation of the Board

The Board is headed by a Chairperson. It has a 56-member General Body and a 16-member Executive Committee.

The General Body is a policy-making body. It meets every year to pass the budget and to discuss matters and reports. Its composition is as follows:

- (1) Chairperson, CSWB
- (2) All Chairpersons of State Social Welfare Boards (33)
- (3) Representatives from the Parliament: two from Lok Sabha and one from Rajya Sabha
- (4) Five Professionals (one each from Law, Medicine, Social Work, Education and Social Development and Nutrition)
- (5) Three eminent persons with extensive experience of social work
- (6) Representatives from selected Ministries/Departments of the Government of India
- (7) Executive Director, CSWB

The Executive Committee deals with the administration of the affairs of the Board. It meets once in two months. Its composition is as follows:

- (1) Chairperson, CSWB
- (2) Chairpersons of State Social Welfare Boards: five states by rotation
- (3) Representatives from selected Ministries/Departments of the Government of India
- (4) Two Professionals from General Body
- (5) Executive Director, CSWB.

The Chairperson of the CSWB acts as the chief executive of the Executive Committee. The Executive Director functions directly under him. He is responsible for all aspects of the working of

the Board. He performs many managing and advisory functions.

NATIONAL MISSION FOR EMPOWERMENT OF WOMEN

The National Mission for Empowerment of Women (NMEW) was launched in the year 2010. It is an initiative of the Government of India for holistic empowerment of women by securing convergence of schemes/programmes of different Ministries/Department of Central Government as well as State Governments. The Mission utilises existing structural arrangements of participating Ministries wherever available and partners with Panchayati Raj Institution (PRIs), CSOs, Central and State Governments/Departments, etc. in implementation of activities.

The NMEW has a National Mission Authority (NMA) at the apex level under the Chairmanship of the Prime Minister, to provide policy direction to the Mission and enable convergence across ministries. NMA comprises of ministers from 14 partner ministries of the Government of India along with the Chairperson of National Commission of Women (NCW), two Chief Ministers of States and five representatives from Civil Society Organisations (CSOs).

The State level institution consists of the State Mission Authority (SMA) and State Resource Centre for Women (SRCW), which works in co-ordination with NMEW. The SMA under the Chairmanship of the Chief Minister and Ministers of key Departments related to women's issues besides civil society representatives as members provide direction to the Mission's activities in the respective States.

The State Resource Centre for Women (SRCW) operationalises the activities of the Mission; there are a multitude of agencies that have been designated as SRCWs from Women Development Corporations (WDC) to separate divisions within the WDC or Social Welfare departments.

Poorna Shakti Kendras (PSKs)

The convergence model are the platform/forum for women to come together, explore their potentials and possibilities, raise women's awareness about their contributions to society and their social, economic and political rights, facilitate access to schemes and entitlements and build capabilities for promoting women's participation in decision-making.

The NMEW has designed and implemented a number of thematic convergence projects on various issues affecting women including declining Child Sex Ratio (CSR), Access to Rights, Access to Sustainable livelihoods etc. in association with Partner Ministries, International Agencies and Civil Society Organisations (CSOs).

RASHTRIYA MAHILA KOSH

The National Credit Fund for Women known as Rashtriya Mahila Kosh (RMK) was set up by the Government of India in 1993 as a national-level organisation under the Ministry of Women and Child Development, to meet the credit needs of poor and assetless women in the informal sector.

The RMK extends micro-finance services to bring about the socio-economic upliftment of poor women. RMK has also taken a number of promotional measures to popularise the concept of women

empowerment by way of micro financing, thrift and credit, capacity building and marketing linkages through Self Help Groups (SHGs) format and also enterprise development for poor women.

Credit is provided to the poor women beneficiaries through Intermediary Microfinancing Organisations (IMOs) working at grass-root level such as NGOs, Women Federations, Co-operatives, not for profit companies registered under the Companies Act and other Voluntary/Civil society Organisations, etc., by following a client friendly, simple without collateral for livelihood and income generation activities, housing, micro-enterprises etc.

CENTRAL ADOPTION RESOURCE AUTHORITY

The Central Adoption Resource Authority (CARA) was set up in 1990 to promote domestic adoption and regulate inter-country adoption in the country. It was registered in 1999 as an autonomous body under the *Registration of Societies Act, 1860*.

The functions of CARA are :

- 1 To act as the Central Authority with regard to adoption matters as envisaged under the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, 1993.
- 2 To coordinate with the State Governments for promoting in-country adoptions and all other related adoption matters including regulation and monitoring of Recognised Indian Placement Agencies (RIPAs) and Adoption Coordinating Agencies (ACAs).
- 3 To recognise/renew the Indian Placement Agencies as accredited bodies for processing inter-country adoption cases and to regulate, inspect and monitor their functioning.
- 4 To enlist/renew enlistment of foreign adoption agencies as authorised bodies to sponsor applications for inter-country Adoption of Indian children.
- 5 To act as a clearing house of information in regard to abandoned/relinquished/orphaned children available for both inter-country and in-country adoption.

NATIONAL INSTITUTE OF PUBLIC COOPERATION AND CHILD DEVELOPMENT

The National Institute of Public Cooperation and Child Development (NIPCCD) is an autonomous organisation under the aegis of the Ministry of Women and Child Development. It is a premier organisation devoted to promotion of voluntary action and research, training and documentation in the overall domain of women and child development.

The objectives of the Institute are as follows:

- 1 To develop and promote voluntary action in social development
- 2 To take a comprehensive view of women and child development
- 3 To develop and promote programmes in pursuance of the National Policy for Children
- 4 To develop measures for coordination of governmental and voluntary action in social development
- 5 To evolve a framework and perspective for organising children's programmes through governmental and voluntary efforts

The Institute is the apex body for training of functionaries of the Integrated Child Development Services (ICDS) Programme. It provides technical advice and consultancy to the government and voluntary agencies in promoting and implementing policies and programmes for women and child development and voluntary action. In addition, it collaborates with regional and international agencies, research institutions, universities, and technical bodies.

FOOD AND NUTRITION BOARD

The Food and Nutrition Board (FNB) was set up in 1964 under Ministry of Food and was transferred to Ministry of Women and Child Development in 1993.

The FNB has been recognised by the Planning Commission as one of the key players to reduce the malnutrition level in the country. It is engaged in the following activities:

- 1 Follow up action on the National Nutrition Policy
- 2 Mass Nutrition Awareness Campaigns
- 3 Nutrition Education and Training, both for the masses and for ICDS functionaries
- 4 Development, production and distribution of nutrition education/training material.
- 5 Food Analysis and Standardisation
- 6 Development and promotion of locally available nutritious foods
- 7 Training in Home Scale Preservation of Fruits and Vegetables and Nutrition

The National Nutrition Policy (NNP) was formulated in 1993, and as a follow up the National Plan of Action was developed in 1995. The National Plan of Action identified the different sectors in the Government for taking up coordinated action to combat malnutrition.

NATIONAL COMMISSION FOR SAFAI KARAMCHARIS

A statutory National Commission for Safai Karamcharis (NCSK) was constituted for the first time in 1994, according to provisions of the National Commission for Safai Karamcharis Act, 1993. This Commission continued till February, 2004, when the relevant Act expired. Thereafter, the tenure of the Commission has been extended from time to time, as a non-statutory body, the last such extension being upto 31.3.2016.

In February 2013, the Union Cabinet gave its approval to extend the tenure of the Commission for a further period of three years, that is, up to 31.3.2016, with the existing terms. The continuation of the Commission for three more years will help in fulfilling the desired objectives of the welfare and development of the target group as there is a continued need to monitor the various interventions and initiatives of the Government for the welfare of Safai Karamcharis in general, and to address the problem of manual scavenging, in particular.

The Terms of References of the Commission are as follows:

- (a) Recommend to the Central Government specific programmes of action towards elimination of inequalities in status, facilities and opportunities for Safai Karamcharis;
- (b) Study and evaluate the implementation of the programmes and schemes relating to the social and economic rehabilitation of Safai Karamcharis and scavengers in particular;
- (c) Investigate specific grievances and to take *suo motu* notice of matters relating to non-

implementation of:

- (i) Programmes or schemes in respect of any group of Safai karamcharis; decisions, guidelines or instructions aimed at mitigating the hardship of Safai Karamcharis;
- (ii) The measures for the social and economic upliftment of Safai karamcharis;
- (iii) The provisions of any law in its application to Safai Karamcharis; and take up such matters with concerned authorities or with the Central or state Governments;
- (d) To study and monitor the working conditions, including those relating to health, safety and wages, of Safai karamcharis working under various kinds of employers including Government, Municipalities and Panchayats, and to make recommendations in this regard;
- (e) Make reports to the Central and state Governments on any matter concerning Safai Karamcharis, taking into account any difficulties or disabilities being encountered by Safai karamcharis; and
- (f) Any other matter which may be referred to it by the Central Government.

DR. AMBEDKAR FOUNDATION

The Centenary Celebration Committee of Babasaheb Dr. B.R. Ambedkar headed by the then Prime Minister of India decided to set up Dr. Ambedkar Foundation to carry out the programmes and activities for furthering of Dr. Ambedkar's ideology and spread his message of social justice to the masses not only in the country but also abroad.

Dr. Ambedkar Foundation was established by the Government of India under the aegis of the Ministry of Welfare (now Ministry of Social Justice and Empowerment) in 1992 as a registered society under the Societies Registration Act, 1860.

The Foundation has been entrusted with the responsibility of managing, administering and carrying on the important and long-term schemes and programmes identified during the Centenary Celebrations of Dr. B. R. Ambedkar.

The General Body is the Supreme Body of Dr. Ambedkar Foundation. It is headed by Minister of Social Justice and Empowerment (SJ&E). There are 11 Ex-Officio members representing various disciplines of education, social work, administration and 32 members nominated by Minister of Social Justice and Empowerment from amongst the eminent social workers, educationists, Journalists etc.

The Governing Body of the Foundation is vested with powers of direction, control and administration of the Foundation. It is also headed by Minister of Social Justice and Empowerment with Secretary, SJ&E, Financial Adviser, SJ&E and Joint Secretary (SCD) as ex-officio members. There are also four nominated members in the Governing Body from amongst the members of General Body.

The activities and programmes currently pursued by the Foundation are as follows:-

- Setting up of Dr. Ambedkar National Public Library at Janpath.
- Dr. Ambedkar National Award for Social Understanding and Upliftment of Weaker Sections.
- Dr. Ambedkar International Award for Social Change.
- Dr. Ambedkar Chairs in Universities/Institutions for carrying out research on the thoughts and ideals of Baba Saheb.
- Publication of the Collected Works of Baba Saheb Dr. B.R. Ambedkar into Hindi and other

regional languages.

- Dr. Ambedkar National Merit Award Schemes for meritorious students of Secondary Examination belonging to Scheduled Castes/Scheduled Tribes.
- Organisation of seminars, symposia, conferences, workshops, lectures, exhibitions and fairs on the life and mission of Dr. Ambedkar.
- Celebration of Birth Anniversary and Mahaparinirwan Diwas of Dr. Ambedkar on 14 April and 6 December respectively every year.
- Publication of Samajik Nyay Sandesh, a monthly magazine in Hindi.
- Dr. Ambedkar Medical Aid Scheme.
- Dr. Ambedkar Samajik Samta Kendra Yojna.
- Celebration of Birth Anniversaries of Great Saints.
- Dr. Ambedkar National Merit Award Schemes for meritorious students of Senior Secondary Examination belonging to Scheduled Castes.
- Dr. Ambedkar National Relief to SC victims of Atrocities.

BABU JAGJIVAN RAM NATIONAL FOUNDATION

Babu Jagjivan Ram National Foundation was established in 2008 as an autonomous body under the Ministry of Social Justice & Empowerment, in the memory of Babu Jagjivan Ramji, to propagate his ideology and philosophy of life and missions, his vision to create a casteless and classless society, eradication of untouchability and continuous struggle for achieving social justice for the dalit, downtrodden and weaker sections who do not get ample opportunities to stand up and lead a dignified life in the society. It is a Registered Society under the *Societies Registration Act 1860* with one time corpus grant of ` 50 crore.

The main Aims and Objects of the Foundation are as follows:-

- To propagate the ideology and philosophy of life and mission of Babu Jagjivan Ram.
- To collect, acquire, maintain and preserve the personal papers and other historical material pertaining to Babu Jagjivan Ram.
- To encourage and promote study and research on his life and work.
- To publish, sell and distribute books, papers, pamphlets and information in pursuance of the objectives of the Foundation.
- To acquire, preserve and protect places connected with him and raise memorials.
- To propagate his ideals and memory through print and electronic media by promoting artists belonging to dalit community who are not getting ample opportunity to come up.
- To encourage and promote other weaker sections of the society through specially designed development schemes for their social, cultural, educational and economic development.
- To implement special schemes for removal of untouchability and caste based prejudices in the society.
- To undertake and implement various, schemes and programmes assigned from time to time by the Central and State Govts.
- To organise birth and death anniversaries and other commemorative events of the life of Babu Jagjivan Ram.
- To undertake all such activities which are not mentioned in the aims and objects of the Foundation but which promote these objectives.

NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS

The National Commission for Minority Educational Institutions (NCMEI) was established in 2004 under the provisions of the National Commission for Minority Educational Institutions Act, 2004. This Act was amended in 2006 and 2010.

The Commission is a quasi-judicial body and has been endowed with the powers of a Civil Court. This is the first time that a specific Commission has been established for protecting and safeguarding the constitutional rights of the minorities to establish and administer educational institutions of their choice.

According to the provisions of the Act, the Commission has three roles, namely, adjudicatory functions, advisory roles and recommendatory powers. The mandate of the Commission is very wide. Its functions include, inter-alia, (i) resolving the disputes regarding affiliation of minority educational institutions to a university, (ii) addressing the complaints regarding deprivation and violation of rights of minorities to establish and administer educational institutions of their choice, (iii) advising the Central Government and the State Governments on any question relating to the educational rights of the minorities referred to it, and (iv) making recommendations to the Central Government and the State Governments regarding any matter which directly or indirectly deprives the minority community of their educational rights.

If any dispute arises between a minority educational institution and a University relating to its affiliation to such University, the decision of the Commission thereon shall be final.

The powers of the Commission include deciding all questions relating to the status of any institution as a minority educational institution. It also serves as an appellate authority in respect of disputes pertaining to minority status. Educational institutions aggrieved with the refusal of a competent authority to grant minority status can appeal to the Commission against such orders. The Commission has also power to cancel the minority status of an educational institution on grounds laid down in the Act.

The Commission has also powers to call for information while enquiring into the complaints of violation or deprivation of the educational rights of the minorities. Where an enquiry establishes violation or deprivation of educational rights of the minorities by a public servant, the Commission may recommend to the concerned Government or authority to initiate disciplinary proceedings or such other action against the concerned person or persons as it may deem fit.

Only Supreme Court exercising writ jurisdiction under Article 32 and High Courts under Articles 226 and 227 of the Constitution of India can entertain any suit, application or proceedings in respect of any order made by the Commission.

The Chairperson, Members, Secretary, Officers and other employees of the Commission are deemed to be public servants within the meaning of the Indian Penal Code.

CENTRAL WAQF COUNCIL

The Ministry of Minority Affairs is responsible for the implementation of the Waqf Act, 1995 (erstwhile Waqf Act, 1954). The states have constituted Waqf Boards under this Act.

The Central Waqf Council is a statutory body working under the aegis of the Ministry of Minority Affairs. It was established in 1964 under the provision of Waqf Act, 1954 (now Waqf Act, 1995). Its function is to advise the Government of India on matters pertaining to working of the State Waqf Boards and proper administration of the Waqfs in the country. Therefore, it has been taking up the issue of common concern to promote the interest of waqf in the country for better realisation of its objectives.

The Union Minister of Minority Affairs is the ex-officio Chairperson of the Council. The Council has also been participating in the development process of the society by way of implementing the following schemes:

- 1 Scheme for Development of Urban Waqf Properties
- 2 Minor Waqf Projects
- 3 Educational Development Schemes

REHABILITATION COUNCIL OF INDIA

The Rehabilitation Council of India (RCI) is a statutory body set up under the Rehabilitation Council of India Act, 1992. The Council is responsible for regulating the training policies and programmes for various categories of professionals in the area of rehabilitation and special education. Its functions include :

- 1 Standardisation and regulation of training courses at different levels in all the training institutions throughout the country.
- 2 Recognition of institutions/universities running training courses in the area of rehabilitation of the disabled within and outside the country on a reciprocal basis.
- 3 Promotion of research in rehabilitation and special education.
- 4 Maintenance of a Central Rehabilitation Register for professionals possessing the recognised rehabilitation qualifications in the area of rehabilitation.
- 5 Encouragement of Continuing Rehabilitation Education programmes in collaboration with organisations working in the area of disability.

NATIONAL INSTITUTE OF SOCIAL DEFENCE

The National Institute of Social Defence (NISD) is an autonomous body under the administrative control of the Ministry of Social Justice and Empowerment. It is the nodal training and research institute for interventions in the area of social defence.

The objective of the NISD is to strengthen and provide technical inputs to the social defence programmes of the Government of India and to develop and train the manpower resources required in the area of social defence.

The NISD is mainly involved in conducting training programmes pertaining to care for senior citizens, drug abuse prevention and other social defence issues.

The NISD also undertakes consultation/seminar on policies and programmes in the field of social defence to anticipate and diagnose social defence problems and develop programmes for prevention, rehabilitation and cure of the affected persons.

NATIONAL COUNCIL OF SENIOR CITIZENS

In 2012, the National Council for Older Persons (NCOP) was re-constituted and renamed as the National Council of Senior Citizens (NCSrC). The NCOP was first constituted in 1999 and was then re-constituted in 2005.

The National Council of Senior Citizens advises the Central and State Governments on the entire gamut of issues related to welfare of senior citizens and enhancement of their quality of life, with special reference to the following:

- (a) policies, programmes and legislative measures;
- (b) promotion of physical and financial security, health and independent and productive living, and
- (c) awareness generation and community mobilisation.

The Council is chaired by the Minister for Social Justice&Empowerment. Other members of the Council include the Minister of State for Social Justice&Empowerment, the oldest Members of Lok Sabha and Rajya Sabha, representatives of 5 State Governments (one each from the North, South, East, West&North-Eastern Regions) and 1 Union Territory by rotation, 5 representatives each from Senior Citizens' Associations, Pensioners' Association, NGOs working for Senior Citizens and Experts, and five senior citizens who have distinguished themselves in various fields.

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, defines and refers to 'Senior Citizens' and not "older persons". It defines 'Senior Citizen' as "any person being a citizen of India, who has attained the age of sixty years or above".

In the light of the above, the Government of India decided to rename the National Council for Older Persons (NCOP) as the "National Council of Senior Citizens (NCSrC)".

GOOD GOVERNANCE

The concept of “good governance” assumed significance since 1990s with the publication of two reports by the World Bank. In the first report entitled “Sub-Saharan Africa: From Crisis to Sustainable Growth” (1989), the Bank emphasised upon the need for good governance. While in the second report entitled as “Governance and Development” (1992), the Bank identified a number of aspects of good governance. These are political, legal and administrative in nature.

Features of Good Governance

Good governance has eight features (or characteristics or attributes). These are explained below.

1. **Participation** Participation by both men and women is a cornerstone of good governance. Participation could be either direct or through legitimate intermediate institutions or representatives. It is important to point out that representative democracy does not necessarily mean that the concerns of the most vulnerable in society would be taken into consideration in decision making. Participation needs to be informed and organised. This means freedom of association and expression on the one hand and an organised civil society on the other hand.
2. **Rule of law** Good governance requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities. Impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible police force.
3. **Transparency** Transparency means that decisions taken and their enforcement is done in a manner that is as per rules rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. Information needs to be leveraged as a core strategy for monitoring implementation.
4. **Responsiveness** Good governance requires that institutions and processes try to serve all stakeholders within a reasonable timeframe.
5. **Consensus oriented** There are several actors and as many view points in a given society. Good governance requires mediation of the different interests in the society to reach a broad consensus on what is in the best interest of the whole community and how this can be achieved. It also requires a broad and long-term perspective on what is needed for sustainable human development and how to achieve the goals of such development. This can only result from an understanding of the historical, cultural and social contexts of a given

society or community.

6. **Equity and Inclusiveness** A society's well being depends on ensuring that all its members feel that they have a stake in it and do not feel excluded from the mainstream of society. This requires all groups, but particularly the most vulnerable, have opportunities to improve or maintain their well-being.
7. **Effectiveness and Efficiency** Good governance means that processes and institutions produce results that meet the needs of society while making the best use of resources at their disposal. The concept of efficiency in the context of good governance also covers the sustainable use of natural resources and the protection of the environment.
8. **Accountability** Accountability is a key requirement of good governance. Not only government institutions but also the private sector and civil society organisations must be accountable to the public and to their institutional stakeholders. Who is accountable to whom varies depending on whether decisions or actions taken are internal or external to an organisation or institution. In general an organisation or an institution is accountable to those who will be affected by its decisions or actions. Accountability cannot be enforced without transparency and the rule of law.

Good Governance Initiatives

The following initiatives were taken in India to promote/ensure good governance in the country:

1. The 73rd and 74th Constitutional Amendments (1992) provided for the participation of people in the governance process.
2. Rights-related statutory bodies such as the National Commission for Women (1992), the National Commission for Minorities (1993), the National Human Rights Commission (1993) etc., have been set-up.
3. The Government of India commenced the exercise to formulate Citizen's Charters in 1996.
4. A Commission on Review of Administrative Laws was set up in 1998 to recommend, *inter alia*, the repeal of dysfunctional laws.
5. A Computerised Public Grievances Redressal and Monitoring System was installed in 2001.
6. The 89th Constitutional Amendment (2003) bifurcated the combined National Commission for SCs and STs into two separate bodies.
7. The Central Vigilance Commission was accorded a statutory status in 2003.
8. A committee on Civil Service Reforms was set up in 2004 to examine the whole gamut of civil service reforms.
9. The Prime Minister's Awards for Excellence in Public Administration was instituted in 2005.
10. Laws were enacted giving certain rights to people like the Protection of Women from Domestic Violence Act (2005), the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (2006) and so on.

The Eleventh Plan (2007–2012) document has identified the several other good governance initiatives taken during the Tenth Plan (2002–2007). These are mentioned as follows:

1. The Right to Information Act, 2005 was brought into force. This applies to Union and state agencies, local governments and societies which receive public funds, and empowers citizens.

2. The All India Service Rules were amended, providing a certain fixed tenure for specified posts to be notified by the state and Central Governments. It will help promote accountability.
3. A new Value Added Tax regime was introduced which simplifies the tax systems and has enormous positive implications for major reforms in the tax structure.
4. Electoral funding reforms were introduced, promoting transparency and fairness and creating tax incentives to donors and disclosure of antecedents of candidates contesting for public office.
5. An e-Governance Plan for 31 major areas was adopted. This is designed to assist, improve delivery of services and digitisation of information.
6. Initiatives on participatory governance were introduced under the National Rural Employment Guarantee Programme, National Rural Health Mission and other measures.
7. A policy for voluntary organisations was announced by the Central Government, reflecting the importance of the voluntary sector in promoting participatory systems.
8. A National Disaster Management Authority was established to bring more focused attention to this important area and to initiate preparatory work to make responses to disasters more effective.
9. In 2005, the Second Administrative Reforms Commission was constituted to prepare a detailed blue-print for revamping the public administration system. It was asked to suggest measures to achieve a proactive, responsive, accountable, sustainable and efficient administration for the country at all levels of government.
10. The Department of Administrative Reforms and Public Grievances proposed a framework for good governance in the form of a Code of Governance. The main components of this Code are:
 - (i) improving service delivery
 - (ii) development of programmes for weaker sections and backward areas
 - (iii) technology and system improvement
 - (iv) financial management and budget sanctity
 - (v) accountability and transparency
 - (vi) public service morale and anti-corruption and
 - (vii) incentivising reforms

Promoting Good Governance Practices

The Documentation and Dissemination Division of the Department of Administrative Reforms and Public Grievances (DARPG) primarily carries out the activities of documentation, incubation and dissemination of good governance practices of Centre, State/Union Territory Governments with a view to sharing of experience with each other and replication elsewhere. The activities dealt with by the Division are detailed below:

1. **Financial Assistance to States/UTs for Professional Documentation and Dissemination of Good Governance Practices** The objective of the scheme is to provide financial assistance to support professional documentation and dissemination of good governance initiatives by the State/UT Governments with a view to sharing experience with each other and replicating it elsewhere. Till date this Department has granted financial assistance for professional documentation of 62 good governance initiatives of 21 different States/UTs.
2. **Series of Presentations on Best Practices** In order to facilitate replication of the successful

good governance initiatives in other states, a novel initiative was taken by the Cabinet Secretary in 2005 with the introduction of a presentation series on best practices. This presentation is being organised before a select group of Secretaries and senior officers of state governments and Central Government departments. Champions of the best practices are called for making the presentations. Already 21 such presentations on diverse topics have been made which were well-attended by senior officers from the Central as well as selected state governments.

- 3. Regional Conferences on Reforms for Citizen Centric Governance** Consequent to the 'Conference of Chief Ministers' held in 1997, an Action Plan to facilitate Citizen Charter and accountable administration, effective and speedy public grievances redress system, transparency and Right to Information and dissemination of best practices has been adopted by the Department of Administrative Reforms & Public Grievances. The Regional Conferences are being organised with a view to bringing National and State level organisations along with other stakeholders including NGOs, intelligentsia, media, etc. on the same platform to share experiences in the formulation and implementation of good governance practices. Senior officers of the Central and state governments responsible for implementing good governance practices including Citizen Charters, officials from cutting edge level, representatives of the NGOs/consumer organisations, etc. participate in the Conference.

The main objective of the Conference is to generate awareness amongst the participants about the recent reforms for promotion of good governance. Senior officers of Government of India responsible for implementing good governance, officers from state governments and experts in the area of governance and administration are the main partner/participants of these conferences.

- 4. Publication of Book** This Division is engaged in organising lecture series, presentations, etc. of best practices across the country. These lectures/presentations are immensely useful for the administrators and the dissemination of these success stories might facilitate replication of the same elsewhere also. As such, publication of books containing a compilation of these lectures/presentations would also go a long way in facilitating dissemination and eventual replication. The Division has already published a series of books on the subject.

- 5. Production of Documentary Films on Best Practices** One of the objectives of the Department of Administrative Reforms & Public Grievances is to promote best practices. Many states have achieved excellence in various aspects of administration and service delivery. It is useful to gain from the experiences of each other by exchange of ideas. The Department is engaged in producing documentary films on best practices across the country. These films are immensely useful for the administrators and the dissemination of success stories might facilitate replication of the same elsewhere also. Forty-three such documentary films have already been produced and eighteen more are in the pipeline.

- 6. Governance Knowledge Centre (GKC)** The Department of Administrative Reforms and Public Grievances has taken up the initiative to design and develop a web-based repository of good governance initiatives and best practices. The GKC encompasses web-based digital repository put together by support team comprising domain experts, resource persons, analysts along with technical professionals who continuously ensure dynamic updation of Knowledge Resources and Case Studies relevant to the profile of users visiting the repository. The Digital Repository is envisaged as a tool to enable capturing, organising and storing for easy retrieval of digital contents with respect to the various selected case studies of "Good Governance

Practices” in India and abroad. The GKC Portal aims to assist civil servants to seek practical and implementable solutions to the day-to-day challenges they face. It serves as a platform for collaborative knowledge exchange for the improvement of governance. It also offers a widespread and reputed lot of governance knowledge that civil society can utilise to understand the nuances of civil service practices and reforms. At present, the portal consists of 240 well documented best practices and 544 case studies, working papers, toolkits, policy briefings, etc.

7. **Conference of Secretaries (AR) of all States/UTs** The objective of this new initiative is (i) to create a national platform to share experiences of the states in the field of reforms/initiatives undertaken by them to improve public service delivery, make the administration effective, transparent and accountable; and to make the administration citizen friendly, (ii) to discuss challenges faced by the state government to achieve the above goal and (iii) to fulfill the expectation of the state/UT Government from Department of AR & PG, GOI.
8. **Publication of ‘Management in Government’ – A Quarterly Journal** The Department of Administrative Reforms and Public Grievances is bringing out a quarterly journal “Management in Government” since 1969 in order to provide a forum for frank exchange of views and opinions among administrators, academicians, scholars and others interested in public administration and public sector management. The focus of journal is on application of management techniques to practical situations of public administration as well as on conceptualisation of principles of good management based upon experience of live situations.
9. **Publication of ‘Civil Services News’ – A monthly newsletter** This newsletter is being brought out since the year 1988 for serving and retired government servants. The main objective of the priced publication is to act as an effective medium for transmission of information to civil servants on the latest developments taking place at the Centre with regard to personnel management, pensions, administrative reforms and public grievances and other matters of interest to the civil servants.

Barriers to Good Governance

The Second Administrative Reforms Commission in its report entitled “Citizen Centric Administration: The Heart of Governance” (2009) identified five barriers to good governance in India and explained them in the following way:

1. **Attitudinal Problems of the Civil Servants** There is a growing concern that the Civil Services and administration in general, have become wooden, inflexible, self-perpetuating and inward looking. Consequently, their attitude is one of indifference and insensitivity to the needs of citizens. This, coupled with the enormous asymmetry in the wielding of power at all levels, has further aggravated the situation. The end result is that officers perceive themselves as dispensing favour to citizens rather than serving them and given the abject poverty, illiteracy, etc., a culture of exaggerated deference to authority has become the norm.
2. **Lack of Accountability** A common reason usually cited for inefficiency in governance is the inability within the system to hold the Civil Services accountable for their actions. Seldom are disciplinary proceedings initiated against delinquent government servants and imposition of penalties is even more rare. This is primarily because, at most levels, authority is divorced

from accountability leading to a system of realistic and plausible alibis. Cumbersome disciplinary procedures have added to the general apathy towards discipline in government. Moreover the safeguards provided to civil servants—which were well intentioned—have often been misused. Another reason for lack of accountability is that performance evaluation systems within the government have not been effectively structured. The complacency that the system breeds has resulted in employees adopting an apathetic or lackadaisical attitude towards citizens and their grievances.

3. ***Red Tapisism*** Bureaucracies the world over are expected to adhere to rules and procedures which are, of course, important for good governance. However, at times, these rules and procedures are *ab-initio* ill conceived and cumbersome and, therefore, do not serve their purpose. Also, government servants sometimes become overly pre-occupied with rules and procedures and view these as an end in themselves.
4. ***Low Levels of Awareness of the Rights and Duties of Citizens*** Inadequate awareness about their rights prevents citizens from holding erring government servants to account. Similarly, low levels of compliance of rules by the citizens also acts as an impediment to good governance; when citizens do not adhere to their duties they infringe on the freedom and rights of other citizens. Thus, awareness of rights and adherence to duties are two sides of the same coin. A vigilant citizenry, fully aware of its rights as well its duties, is perhaps the best way to ensure that officials as well as other citizens, discharge their duties effectively and honestly.
5. ***Ineffective Implementation of Laws and Rules*** There is a large body of laws in the country, each legislated with different objectives—maintaining public order and safety, maintaining sanitation and hygiene, protecting rights of citizens, giving special protection to the vulnerable sections, etc. Effective implementation of these laws creates an environment which would improve the welfare of all citizens and at the same time, encourage each citizen to contribute his best towards the development of society. On the other hand, weak implementation can cause a great deal of hardship to citizens and even erode the faith of the citizenry in the government machinery.

e-GOVERNANCE

Meaning of e-Governance

The “e” in e-Governance stands for ‘electronic’. Thus, e-Governance or electronic governance implies the application of Information and Communications Technology (ICT) to government functioning.

According to the World Bank, e-governance refers to the use by government agencies of information technologies (such as Wide Area Networks, the Internet, and mobile computing) that have the ability to transform relations with citizens, businesses, and other arms of government.

e-Governance is basically a move towards SMART governance implying: simple, moral, accountable, responsive and transparent governance.

1. ***Simple*** — meaning simplification of rules, regulations and processes of government through the use of ICTs and thereby providing for a user-friendly government
2. ***Moral*** — connoting emergence of an entirely new system of ethical values in the political and administrative machinery; technology interventions improve the efficiency of anti-corruption

- agencies, police, judiciary, etc.
3. *Accountable* — facilitating design, development and implementation of effective Management Information System and performance measurement mechanisms and thereby ensuring accountability of public service functionaries
 4. *Responsive* — streamlining the processes to speed up service delivery and make system more responsive
 5. *Transparent* — bringing information hitherto confined in the government documents to the public domain and making processes and functions transparent, which in turn would bring equity and rule of law in responses of the administrative agencies

Interactions in e-Governance

There are four types of interactions in e-Governance viz., government to citizens (G2C), government to business (G2B), government to government, that is, inter-agency relationships (G2G), and government to employees (G2E).

The Second Administrative Reforms Commission has explained the above four types of interactions in e-Governance in its report entitled “Promoting e-Governance: The SMART Way Forward” (2008) in the following manner:

1. ***G2C (Government to Citizens)*** — In this case, an interface is created between the government and citizens which enables citizens to benefit from efficient delivery of a large range of public services. This expands the availability and accessibility of public services on the one hand and improves the quality of services on the other. It gives citizens the choice of when to interact with the government (being available 24 hours a day, 7 days a week), from where to interact with the government (e.g., service centre, unattended kiosk or from one’s home/workplace) and how to interact with the government (e.g., through internet, fax, telephone, email, face-to-face, etc). The primary purpose is to make government, citizen-friendly.
2. ***G2B (Government to Business)*** — Here, e-Governance tools are used to aid the business community — providers of goods and services — to seamlessly interact with the government. The objective is to cut red tape, save time, reduce operational costs and to create a more transparent business environment when dealing with the government. The G2B initiatives can be transactional, such as in licensing, permits, procurement and revenue collection. They can also be promotional and facilitative, such as in trade, tourism and investment. These measures help to provide a congenial environment to businesses to enable them to perform more efficiently.
3. ***G2G (Government to Government)*** — In this case, Information and Communications Technology is used not only to restructure the government processes involved in the functioning of government entities but also to increase the flow of information and services within and between different entities. This kind of interaction is only within the sphere of government and can be both horizontal i.e., between different government agencies as well as between different functional areas within an organisation, or vertical i.e., between national, provincial and local government agencies as well as between different levels within an organisation. The primary objective is to increase efficiency, performance and output.
4. ***G2E (Government to Employees)*** — The government is by far the biggest employer and like any organisation, it has to interact with its employees on a regular basis. This interaction is a

two-way process between the organisation and the employee. Use of ICT tools helps in making these interactions fast and efficient on the one hand and increases satisfaction levels of employees on the other.

Benefits of e-Governance

The benefits (or advantages or goals) of e-Governance are as follows:

1. Better delivery of government services to citizens
2. Improved interactions with business and industry
3. Citizen empowerment through access to information
4. More efficient government management
5. Less corruption in administration
6. Increased transparency in administration
7. Greater convenience to citizens and businesses
8. Cost reductions and revenue growth
9. Increased legitimacy of government
10. Flattens organisational structure (less hierarchic)
11. Reduced paper work and red tapism in the administrative process
12. Better planning and coordination between different levels of governance
13. Greater citizen participation in the governance process
14. Improved relations between the public authorities and civil society
15. Re-structuring of administrative processes

e-Governance Initiatives

The various steps taken to promote e-Governance in India are as follows:

1. A National Task Force on Information Technology and Software Development was set-up in 1998.
2. The Ministry of Information Technology was created at the Centre in 1999.
3. In the year 2000, a 12-point minimum agenda for e-Governance was identified for implementation in all the central ministries and departments.
4. The Information Technology Act (2000) was enacted. This Act was amended in 2008.
5. The Semiconductor Integrated Circuits Layout-Design Act (2000) was enacted.
6. The first National Conference of States IT Ministers was organised in the year 2000, for arriving at a Common Action Plan to promote IT in India.
7. The National Institute for Smart Government (NISG) was set-up at Hyderabad in the year 2002.
8. The state governments launched e-Governance projects like e-seva (Andhra Pradesh), Bhoomi (Karnataka), Gyandoot (Madhya Pradesh), Lokvani (Uttar Pradesh), FRIENDS (Kerala), e-mitra (Rajasthan) and so on.
9. The National e-Governance Plan (NeGP) was launched in 2006. Initially, it consisted of 27 Mission Mode Projects (MMPs) and 8 support components. Later, in 2011, 4 more projects (health, education, PDS and posts) were introduced. With this, the number of MMPs increased from 27 to 31. These 31 MMPs are further classified as central MMPs (11), State MMPs (13)

and integrated MMPs (7). These MMPs and support components are mentioned below in [Tables 21.1](#) and [21.2](#).

10. A National Policy on Open Standards for e-Governance was notified in November 2010. It provides a set of guidelines for the consistent, standardised and reliable implementation of e-Governance solutions.
11. The National Policy on Information Technology (NPIT) was approved in 2012. It focuses on deployment of ICT (Information and Communication Technology) in all sectors of the economy and providing IT based solutions to address citizen centric issues.

Table 21.1 Mission Mode Projects under National e-Governance Plan

<i>Central MMPs (11)</i>	<i>State MMPs (13)</i>	<i>Integrated MMPs (7)</i>
1. Banking	1. Agriculture	1. CSC
2. Central Excise and Customs	2. Commercial Taxes	2. e-Biz
3. Income Tax	3. e-District	3. e-Courts
4. Insurance	4. Employment Exchange	4. e-Procurement
5. MCA21	5. Land Records	5. EDI (e-Trade)
6. Passport	6. Municipalities	6. Service Delivery Gateway
7. Immigration, Visa and Foreigners	7. e-Panchayats	7. India Portal
8. Pension	8. Police	
9. e-Office	9. Road Transport	
10. Posts	10. Treasuries	
11. UID	11. PDS	
	12. Education	
	13. Health	

Table 21.2 Support Components under National e-Governance Plan

<i>S.No.</i>	<i>Support Components</i>
01.	Core Policies
02.	Core Infrastructure (SWAN, NICNET, SDCs, etc.)
03.	Support Infrastructure (CSCs, etc.)
04.	Technical Assistance
05.	R & D
06.	Human Resource Development & Training
07.	Awareness & Assessment
08.	Organisation structures

National Conference on e-Governance

The Department of Administrative Reforms and Public Grievances (DARPG) along with the Department of Information Technology, in association with one of the state governments has been

organising the National Conference on e-Governance every year since 1997.

This Conference provides a platform to the senior officers of the Government including IT Secretaries of state governments, IT Managers of the Central Government, and resource persons, experts, intellectuals from the industry and academic institutions, etc. to discuss, exchange views and experiences relating to various e-governance initiatives.

Every year, the Department of Administrative Reforms and Public Grievances recognises and promotes excellence in e-Governance by awarding government organisation/institutions which have implemented e-Governance initiatives in an exemplary manner. National Awards for e-Governance are given in the following categories:

- (a) Excellence in Government Process Re-engineering;
- (b) Exemplary Re-Use of ICT based Solutions;
- (c) Outstanding Performance in Citizen-Centric Service Delivery;
- (d) Innovative use of Technology in e-Governance;
- (e) Innovative use of ICT by PSUs for Customer's Benefits;
- (f) Best Government Portal; and
- (g) Sectoral Award

e-office— A National Mission Mode Project

e-Office is one of the Mission Mode Projects (MMPs), under the National e-Governance Plan (NeGP). The project is aimed at significantly improving the operational efficiency of Central Government Ministries and Departments through improvement in the workflow mechanisms and associated office procedure manuals. The DARPG is the nodal agency for implementing the project.

“e-Office” primarily involves workflow automation and knowledge management including document records management, setting and controlling the workflow in the organisation, work allocation and tracking, maintaining audit trails, performance benchmarking and generating operational MIS. The project is being implemented through NIC.

The DARPG has adopted a phased plan for e-Office implementation across the Ministries/Departments of GOI. The project was initially launched in 3 pilot sites, i.e., DARPG, Training Division of DoPT and e-Governance Division of Department of Electronics and Information Technology in September 2010. 12 Ministries/Departments were taken up during Phase 1 and 7 in Phase 2.

The DARPG has also formulated and circulated Reports on Change Management Strategy, Business Process Reengineering and Government Process Architecting Framework to all Central Government Ministries/Departments. The Central Secretariat Manual on e-Office Procedure (CSMeOP) has also been circulated by the department.

Master e-Governance Training Plan under NeGP

The DARPG has finalised Master e-Governance Training Plan under NeGP in consultation with DeitY and DoPT. It is being implemented in e-Office enabled Ministries/Departments in the initial phase.

e-Governance offers enormous potentials for improving the internal efficiency of the public sector and the delivery of public services to citizens and other government customers. Most governments

around the world have integrated e-Governance into their broader public sector modernisation agendas. The availability of skilled workforce with good capacity for learning is essential for e-Governance, along with other factors like leadership, regulatory frameworks, financial resources, organisational conditions, and Information and Technology (IT) infrastructure. This is in line with a popular opinion that staffing is one of the key factors in determining the success or failure of technology applications. In fact, the survey of e-Governance projects carried out by the World Bank revealed that successful e-Governance projects expend at least 10% of their budgets on training.

The purpose of the document is to highlight the need of training for effective implementation of e-Governance projects and also to develop a common understanding of a core training curriculum. The master training plan outlines:

- (i) core competency required by various roles for e-Governance projects,
- (ii) delivery mechanisms,
- (iii) institutional frame work,
- (iv) broad curriculum,
- (v) feedback mechanism, and
- (vi) certification.

CITIZENS' CHARTER

A citizens' charter is a document of commitments made by a government agency to the citizens in respect of the services being provided to them. It empowers the citizens to demand the committed standards of service. However, it is not legally enforceable and hence, non-justiciable. Its objective is to build bridges between citizens and administration and to streamline administration in tune with the needs and concerns of citizens.

Principles of Citizens' Charter

The concept of a citizens' charter was first articulated and implemented in the United Kingdom by the Conservative Government of John Major in 1991 as a national programme with a simple aim: to continuously improve upon the quality of public services for the people of the country so that these services respond to the needs and wishes of the users. The programme was re-launched in 1998 by the Labour Government of Tony Blair which rechristened it "Services First".

The six principles of the citizens' charter movement, as originally framed, were:

- (i) Quality: Improving the quality of services
- (ii) Choice: For the users wherever possible
- (iii) Standards: Specifying what to expect within a time frame and how to act if standards are not met
- (iv) Value: For the taxpayers' money
- (v) Accountability: Of the service provider (individual as well as an organisation) and
- (vi) Transparency: In rules, procedures, schemes and grievances redressal.

These were later elaborated by the Labour Government as the following nine principles of Service Delivery (1998):

- (i) Set standards of service

- (ii) Be open and provide full information
- (iii) Consult and involve
- (iv) Encourage access and promote choice
- (v) Treat all fairly
- (vi) Put things right when they go wrong
- (vii) Use resources effectively
- (viii) Innovate and improve and
- (ix) Work with other providers.

In 1992, the UK Government also introduced the Charter Mark Award Scheme for recognising excellence in delivering public services. Later in the year 2008, this scheme was replaced by a new scheme called, “Customer Service Excellence Award Scheme”.

The UK’s citizens’ charter initiative aroused considerable interest around the world and several countries implemented similar programmes, e.g., Australia (Service Charter, 1997), Belgium (Public Service Users’ Charter, 1992), Canada (Service Standards Initiative, 1995), France (Service Charter, 1992), India (Citizens’ Charter, 1997), Jamaica (Citizens’ Charter, 1994), Malaysia (Client Charter, 1993), Portugal (The Quality Charter in Public Services, 1993), Spain (The Quality Observatory, 1992) and so on.

Citizens’ Charter Initiative in India

In 1996, the Centre organised a Conference of Chief Secretaries of States and Union Territories on “Effective and Responsive Administration”. The conference *inter alia* recommended the adoption of citizens’ charters for all public service organisations. This recommendation was approved by the Centre, states and union territories in the Conference of Chief Ministers held in 1997.

Since 1997, when the scheme was introduced in India, the various ministries, departments, directorates and other agencies of the Central Government, state governments and union territory administrations have formulated a number of citizens’ charters. At present (2010), there are 131 citizens’ charters of the Central Government, and 729 of the state governments and union territory administrations.

A citizens’ charter in India has the following components:

- (i) Vision and Mission Statement of the Organisation
- (ii) Details of Business transacted by the Organisation
- (iii) Details of citizens or clients
- (iv) Statement of services including standards, quality, time frame etc., provided to each citizen/client group separately and how/where to get the services
- (v) Details of grievance redressal mechanism and how to access it and
- (vi) Expectations from the citizens or clients.

In India, the following are regarded as the attributes/elements of a good citizens’ charter:

- (i) Focus on Customer Requirements
- (ii) Simple Language
- (iii) Service Standards
- (iv) Effective Remedies
- (v) Training
- (vi) Delegation
- (vii) Feedback Mechanism

- (viii) Close Monitoring and
- (ix) Periodic Review.

Promoting Citizens' Charters

The Citizens' / Clients' charters, as a tool for empowering the public, are being taken forward through the following five initiatives :

1. The first initiative is of Citizens' Charters in all Central Ministries/Departments and the Second is of Citizens' Charter in all States/Union Territories. Both were started in May 1997. Under these two initiatives progress is reflected in the increase in the number of Citizens' Charters listed on a special portal.
2. From 2010 onwards, the Citizens'/Clients' charters of all Central Ministries/Departments are up-loaded on their websites. All Central Ministries/Departments have also been requested to include information about their Citizens'/Clients' charters in their annual reports.
3. The third initiative is for making the Citizens' Charters more dynamic through the Sevottam framework for bringing excellence in service delivery through continuous improvement. Here the Citizens' Charter as one of the three components of Sevottam, is not only being created and reviewed but is being linked to the service delivery processes of the Ministry/Department concerned.
4. The fourth initiative for Citizens' Charter is as per the 12th Report of Second ARC: the Second Administrative Reforms Commission (ARC) in its 12th Report entitled 'Citizen Centric Administration – Heart of Governance' has recommended for making the Citizens' charters more effective as a document for interacting with citizens. This recommendation has been accepted by Government of India. All Central Ministries/Departments have been requested to review their Citizens' Charters to make them more effective as a tool for interacting with the citizens.
5. The fifth initiative is of creating state department charters through the 12-month pilot projects. From 2008 to 2010, Sevottam pilot projects were implemented in four states in four different sectors. These were in Himachal Pradesh, Karnataka, Madhya Pradesh and Odisha.
 - (a) In Himachal Pradesh a new citizens' charter with quality standards has been drafted for services delivered by Water Supplies and Sanitation unit of Municipal Corporation, Shimla.
 - (b) In Karnataka: a new Citizens' Charter has been created for the Department of Women and Child Development (DWCD) for its service delivery under the Central Scheme of Integrated Child Development Services (ICDS) through Anganwadi Centres at the village level.
 - (c) In Madhya Pradesh a Citizens' Charter has been created with service standard for the Public Health and Family Welfare (PH&FW) Department.
 - (d) In Odisha: For the Government of Odisha the Citizens' Charter has been created for the Food, Supplies and Consumer Welfare (FS&CW) Department. It includes its PDS service delivery units till the Gram Panchayat level.

Evaluation of Citizens' Charters

During the year 2002–03, the Department of Administrative Reforms and Public Grievances (DARPG) engaged a professional agency to develop a standardised model for internal and external evaluation of citizens' charters in a more effective, quantifiable and objective manner. This agency also carried out evaluation of implementation of charters in five Central Government organisations and 15 departments/organisations of the states of Andhra Pradesh, Maharashtra and Uttar Pradesh.

The findings of the evaluation carried out by the agency were :

- (i) In a majority of cases charters were not formulated through a consultative process.
- (ii) By and large, service providers are not familiar with the philosophy, goals and main features of the charter.
- (iii) Adequate publicity to the charters had not been given in any of the departments evaluated. In most departments, the Charters are only in the initial or middle stage of implementation.
- (iv) No funds have been specifically earmarked for awareness generation of citizens' charter or for orientation of staff on various components of the charter.

A study sponsored by the Department of Administrative Reforms and Public Grievances on evaluation of the Citizens' Charters was carried out by the Indian Institute of Public Administration in 2008. The observations/findings of this study are:

1. Citizens' charters have still not been adopted by all Ministries/Departments.
2. There was lack of precision on standards and commitments in several cases.
3. There is often little interest shown by the organisations in adhering to their charter.
4. On the communications front, the charter programme has been throttled on account of poor planning and resource commitment for publicity.
5. In some cases, the charters have become a one-time exercise, frozen in time.
6. There was general lack of accountability and review mechanisms.
7. The charters were devoid of participative mechanisms for effective performance.

Sevottam Model

The citizens' charter is one of the three modules/components of the "Sevottam Model"—the other two being public grievance redressal and service delivery capability. Sevottam is a "Service Delivery Excellence Model" which provides an assessment-improvement framework to bring about excellence in public service delivery. The term "*Sevottam*" is formed by joining two Hindi words "seva" and "uttam" meaning "service" and "excellence" respectively.

The first component of the model requires effective citizens' charter implementation, thereby opening up a channel for receiving citizens' inputs into the way in which organisations determine service delivery requirements. Citizens' charters publicly declare the information on citizens' entitlements thereby making them better informed and hence empowering them to demand better services.

The second component of the model, "Public Grievance Redress" requires a good grievance redressal system operating in a manner that leaves the citizen more satisfied with how the organisation responds to complaints/grievances, irrespective of the final decision.

The third component of the model, "Service Delivery Capability" postulates that an organisation can have an excellent performance in service delivery only if it is efficiently managing the key ingredients for good service delivery and building its own capacity to continuously improve upon service delivery.

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have an excellent performance in service delivery only if it is efficiently managing the key ingredients for good service delivery and building its own capacity to continuously improve upon service delivery.

Each component/module is assessed on the basis of three criteria. Each criteria, in turn, has several specific elements/questions. This structure of the assessment criteria is shown below in [Table 21.3](#).

Table 21.3 Sevottam Model: Assessment Criteria

<i>Modules (3)</i>	<i>Criteria (9)</i>	<i>Elements for assessment (33)</i>
Citizens' Charter	Implementation	5
	Monitoring	3
	Review	3
Public Grievance Redress	Receipt	3
	Redress	3
	Prevention	5
Service Delivery Capability	Customers	5
	Employees	3
	Infrastructure	3

PEOPLE'S PARTICIPATION

Meaning

People's participation means participation of people in the administrative process. It implies citizens' control over administration or public influence on administration. It is essential for the smooth and effective performance of the administrative machinery. It makes the administration responsive to the needs of the people. It secures public support to the government policies and makes them a success. It constitutes an important means of enforcing administrative accountability.

A democratic government is based on the 'doctrine of popular sovereignty' which means that the people are supreme in a democracy, or the final authority in democracy is vested in the people. Therefore, administration in democracy is or should finally and ultimately be responsible to the people. It is in this context that the people's participation in administration assumes importance. It transfers the representative democracy into participatory democracy. It facilitates what is known as 'bottom-up rule'.

People's participation in development administration means the direct involvement of people in the process of administering development programmes meant for bringing about socio-economic changes in the society. It embraces the following dimensions:

- (i) Participation in decision-making
- (ii) Participation in implementation
- (iii) Participation in monitoring and evaluation
- (iv) Participation in sharing benefits

People participate in development administration through various mechanisms like Panchayati Raj institutions, cooperative institutions, mahila mandals, farmers service societies, yuvak kendras and

other voluntary/non-governmental organisations.

Benefits

People's participation in development administration is beneficial in various respects:

1. It provides administration a wealth of information on local socio-cultural, economic, ecological, and technical conditions. This information is highly useful in the process of planning, programming and implementation of development programmes.
2. It leads to the selection of those projects which are of direct relevance to the people.
3. It facilitates mobilisation of local resources in the form of cash, labour, materials and so on which are very essential for the programme's success.
4. It acts as a safeguard against the abuse of administrative authority and thus reduces the scope for corruption in the operation of programmes.
5. It prevents the hijacking of programme benefits by richer and powerful sections due to the involvement of poorer and weaker sections of the society. Thus, it leads to the equitable distribution of benefits.
6. It makes the local community easily accept the developmental change and more tolerable to mistakes and failures.
7. It reduces the financial burden on government by sustaining the programmes even after the withdrawal of its support. They can be managed by the volunteers or community-based workers.
8. It enhances the ability and competence of the people to assume responsibility and solve their own problems. It develops a spirit of self-reliance, initiative and leadership among the people.
9. It promotes *esprit de corps* in the community and thus strengthens democracy at the grassroots level.

Limitations

However, various factors limit the degree and effectiveness of people's participation in administration, particularly in development administration. They are:

- (i) Aristocratic and mechanical bureaucracy
- (ii) Unfavourable socio-economic environment like casteism, communalism, poverty, illiteracy and so on
- (iii) Negative political interference
- (iv) Time constraints, that is, time-bound nature of programmes
- (v) Role of middlemen and sycophants
- (vi) Corruption and low standards of conduct in administration
- (vii) Faulty administrative procedures
- (viii) Lack of participative culture

Meaning of Reforms

To improve the overall performance of the Indian Economy, the Central Government announced in 1991 the New Industrial Policy. It came to be known as the 'New Economic Policy' as it made a 'radical' departure from the Nehruvian Economic Philosophy contained in the 1956 policy. In essence, it heralded the era of liberalisation which led to privatisation and globalisation.

Liberalisation means free-market economy. It marks a change from a restrictionist regime to a free regime. It implies reducing, relaxing and dismantling of government's controls and regulation in economic activities. These measures include delicensing of a good number of industries, raising of licensing limits, relaxations under the MRTP Act, broad banding, relaxations under the FERA (now FEMA) regulations, legalisation of additional capacities, relaxations in export-import policy and so forth. Thus, the private sector is permitted to function freely in respect of investment, production and products.

Privatisation means (i) denationalisation, that is, changing the ownership of public enterprises fully or partially to the private parties, (ii) deregulation, that is, allowing the entry of private sector into areas hitherto exclusively reserved for the public sector and (iii) operating contract, that is, entrusting the management and control of public enterprises to the private parties on agreed remuneration.

Globalisation means progressive integration of Indian economy with the world economy. This implies opening up the Indian economy to foreign direct investment. It removes constraints to the entry of Multi National Companies (MNCs) in India. Thus, the Indian Economy is made a part and parcel of the world economy.

Reasons for Reforms

The various reasons for this change in the government's policy towards public sector are as follows:

1. The dismal financial performance of the public sector.
2. Low returns against heavy investments in public enterprises.
3. Government is no longer in a position to provide budgetary support to sick enterprises.
4. The need to create competition for the public enterprises so that they are forced to earn profits through improved efficiency.
5. The global trend towards liberalisation, privatisation, and globalisation.
6. The private sector is coming forward to invest in huge amounts in infrastructure areas.
7. External factors influencing the government like advanced countries, MNCs, World Bank, IMF and so on.

Provisions for Reforms

The New Industrial Policy of 1991 contained the following provisions with regard to the public sector:

1. The public sector investments will be confined to strategic, hi-tech and essential infrastructure areas.
2. Some of the areas reserved for the public sector will be opened up to the private sector selectively. Similarly, the public sector will be allowed entry in areas not reserved for it.
3. Chronically sick public enterprises will be referred to the Board for Industrial and Financial

- Reconstruction (BIFR) for formulation of revival and rehabilitation schemes.
4. A social security mechanism will be created to protect the interests of workers likely to be affected by such rehabilitation schemes.
 5. A part of the government's share-holding in the public sector will be offered to mutual funds, financial institutions, general public and workers.
 6. Boards of public sector companies would be made more professional and given more powers.
 7. Through the Memorandum of Understanding (MoU) system, management would be granted greater autonomy and held accountable for the results.
 8. Budgetary support to public enterprises would be progressively reduced.

Implementation of Reforms

As a follow-up of this new policy and a series of macroeconomic policy reforms leading to the liberalisation of the Indian Economy, the government had taken various measures to reform the public enterprises. These are explained below:

1. Dereservations In 1991, the number of industries reserved for the public sector was reduced from 17 to 8. In 1993, two more items were deleted from the reserved list. Again in 1998, another two items were dereserved. Further, in 2001, the government opened up one more area to the private sector participation. Thus, today only 3 areas stand reserved *viz.*, (i) atomic energy, (ii) minerals specified in the schedule to the atomic energy (control of production and use) order, 1953, and (iii) rail transport.

Moreover, some of the dereserved areas are opened not only to domestic private enterprises but also to foreign private enterprises.

2. Sick Units In 1991, the Sick Industrial Companies Act (SICA, 1985) was amended to enable the sick public enterprises to be referred to the Board for Industrial and Financial Reconstruction (BIFR, 1987) for revival or closure.

The Board for Reconstruction of Public Sector Enterprises (BRPSE) was set up in December, 2004 to advise the government on the measures to restructure/revive both industrial and non-industrial public enterprises. For the purpose of making reference to BRPSE, a company is considered sick if it has accumulated losses in any financial year equal to 50 per cent or more of its average net worth during 4 years immediately preceding such financial year and/or a company which is a sick company within the meaning of Sick Industrial Companies (Special Provisions) Act, 1985 (SICA). The concerned administrative ministries/departments are required to send proposals of their public enterprises identified as sick for consideration of BRPSE. Other loss making public enterprises may be considered by the Board either *suo moto* upon reference by the administrative ministry if it is of the opinion that revival/restructuring is necessary for checking the incipient sickness (incurring loss for two consecutive years) and making the public enterprises profitable, keeping the industry specific business environment in view.

3. Golden Hand-Shake In 1988, government initiated the Voluntary Retirement Scheme (VRS) to help the public enterprises to shed excess manpower. This scheme came to be popularly known as "Golden Hand-Shake" Policy as the workers get a handsome amount from the enterprises at the time

of dissociation. In 1992, the National Renewal Fund (NRE) was created for training and redeployment of retrenched workers, besides providing compensation to the persons seeking voluntary retirement. The National Renewal Fund was abolished in 2000.

4. Disinvestment In 1991–92, the disinvestment programme was started with the main objective of raising non-inflationary kind of finance for the government budget. Disinvestment is a process whereby the government withdraws a portion or the total of its equity in a public enterprise. In 1992, the government appointed a ‘Committee on Disinvestment of shares in Public Sector Enterprises’ under the chairmanship of Dr. C. Rangarajan to suggest measures with regard to the disinvestment programme. On its recommendation, the government set-up in 1996 a ‘Commission on Public Sector Disinvestment’ under the chairmanship of G.V. Ramakrishnan for preparing a long-term plan of disinvestment of public enterprises referred to it. In order to expedite the process of disinvestment, the government established a new full-fledged Department of Disinvestment in 1999 in place of the Disinvestment Commission.

5. Navratnas In 1997, the Government identified nine leading, well-performing and high profit-making public enterprises as the ‘Navratnas’ (Nine Precious Jewels). They were granted substantial enhanced autonomy and operational freedom in different fields (financial, commercial, managerial, and organisational) to facilitate their becoming global players. Their Boards have also been professionalised by induction of non-official part-time professional directors.

6. Miniratnas In 1997, the Government identified another 97 profit-making public enterprises as the ‘Miniratnas’ (Small Precious Jewels) and granted them financial, managerial, and operational autonomy. Further, these enterprises are divided into two categories (Miniratnas-I and Miniratnas-II) depending on their recent performance.

7. Memorandum of Understanding The system of memorandum of understanding (MoU) was introduced in 1987–88. The following points can be noted with regard to the Memorandum of Understanding (MoU):

- (i) The MoU is an agreement between the Government (ministry) and the public enterprises management to grant autonomy to the latter, that is, to reduce day-to-day interference of the ministry in the management of public enterprises.
- (ii) It defines obligations of both the parties for improving performance of public enterprises.
- (iii) It makes public enterprise managements responsible and accountable for results. Thus it is a system of annual performance contract between the ministry and the enterprise.
- (iv) It was recommended by the Arjun Sengupta Committee (the committee to Review the Policy for the Public Enterprises) Report of 1986.
- (v) It is the Indian version of the French ‘Performance Contract System’ and the Korean ‘Signalling System.’

8. Maharatna Scheme In December 2009, the government introduced (approved) a new scheme called “Maharatna Scheme”. Under this, the higher end Navaratna companies would be recognised as a separate class, i.e., “Maharatnas” and granted a higher level of financial and managerial autonomy. This would enable them to expand their operations and emerge as global giants. In May 2010, the government formally conferred the coveted maharatna status on four companies, viz., Steel Authority of India Limited (SAIL), National Thermal Power Corporation

CORPORATE GOVERNANCE

India has the largest number of listed companies in the world, and the efficiency and well being of the financial markets is critical for the economy in particular and the society as a whole. It is imperative to design and implement a dynamic mechanism of corporate governance, which protects the interests of relevant stakeholders without hindering the growth of enterprises.

Corporate governance involves a set of relationships amongst the company's management, its board of directors, its shareholders, its auditors and other stakeholders. These relationships, which involve various rules and incentives, provide the structure through which the objectives of the company are set, and the means of attaining these objectives as well as monitoring performance are determined. Thus, the key aspects of good corporate governance include transparency of corporate structures and operations, the accountability of managers and the boards to shareholders and corporate responsibility towards stakeholders.

Principles of Corporate Governance

A company should:

1. Recognise and publish the respective roles and responsibilities of board and management
2. Have a board of an effective composition, size and commitment to adequately discharge its responsibilities and duties
3. Actively promote ethical and responsible decision-making
4. Have a structure to independently verify and safeguard the integrity of the company's financial reporting
5. Promote timely and balanced disclosure of all material matters concerning the company
6. Respect the rights of shareholders and facilitate the effective exercise of those rights
7. Establish a sound system of risk oversight and management and internal control
8. Fairly review and actively encourage enhanced board and management effectiveness
9. Ensure that the level and composition of remuneration is sufficient and reasonable and that its relationship to corporate and individual performance is defined
10. Recognise legal and other obligations to all legitimate stakeholders

Legal Framework

The corporate governance legal framework in India primarily consists of the following legislations and regulations:

1. ***The Companies Act, 2013*** The new *Companies Act* of 2013 has replaced the earlier *Companies Act* of 1956. The new Act seeks to bring corporate governance and regulation practices in India at par with the best global practices. The corporate sector has been given more flexibility in regulating their affairs, subject to full disclosure and accountability of their actions, with minimum government approvals. The Act provides more opportunities for new entrepreneurs and enables wide application of Information Technology in the conduct of

affairs by corporates. The other salient features of this legislation include provisions with regard to more accountability of audit, Corporate Social Responsibility, stricter action in case of fraud related offences and protection of interests of investors.

2. ***The Securities Contracts (Regulation) Act, 1956*** This Act covers all types of tradable government paper, shares, stocks, bonds, debentures, and other forms of marketable securities issued by companies. The SCRA defines the parameters of conduct of stock exchanges as well as its powers.
3. ***The Securities and Exchange Board of India Act, 1992*** This Act established the independent capital market regulatory authority, SEBI, with the objective of protecting the interests of investors in securities, and promote and regulating the securities market.
4. ***The Depositories Act, 1996*** This Act established share and securities depositories, and created the legal framework for dematerialization of securities.
5. ***Listing Agreement of Stock Exchanges*** This agreement defines the rules, processes, and disclosures that companies must follow to remain as listed entities. A key element of this Agreement is Clause 49, which states the corporate governance practices that listed companies must follow.

Institutional Framework

1. ***National Foundation for Corporate Governance*** In 2003, the Ministry of Corporate Affairs has set up a National Foundation for Corporate Governance (NFCG) as a not-for-profit Trust to provide a platform to deliberate upon issues relating to good corporate governance and to sensitise corporate leaders on the importance of good corporate governance practices, to facilitate exchange of experiences and ideas between corporate leaders, policy makers, regulators, law enforcing agencies and non-government organisations.

The NFCG has been sponsoring orientation programmes for Directors through the various Institutes of Excellence and has been organising seminars and conferences to propagate the need for following good corporate governance practices.

2. ***Indian Institute of Corporate Affairs*** The Indian Institute of Corporate Affairs (IICA) has been set up as a registered society under the Ministry of Corporate Affairs in 2008. Its objectives are:
 - (i) Develop capacity for undertaking holistic study and harmonised treatment of all issues impacting governance and corporate functioning with a global perspective
 - (ii) Set-up a state-of-the-art Knowledge Management (KM) system for constant creation, collation and dissemination of knowledge to internal and external stakeholders on all issues affecting the corporate sector
 - (iii) Act as a think-tank to advise government holistically on all issues impacting on corporate functioning
 - (iv) Training and capacity building for officials of the ministry and all stakeholders
3. ***Serious Fraud Investigation Office*** The Serious Fraud Investigation Office (SFIO) has been set up in 2003 by the Government of India in the Ministry of Corporate Affairs by way of a resolution. This office investigates corporate frauds of serious and complex nature. It carries out investigation under the provisions of the Companies Act and files prosecutions for the violations of the provisions of the Companies Act as well as Indian Penal Code (IPC).

The SFIO takes up investigation of corporate frauds characterised by (a) complexity and having inter-departmental and multi-disciplinary ramifications (b) substantial involvement of public interest to be judged by size either in terms of monetary misappropriation or in terms of persons affected and (c) the possibility of investigation leading to or contributing towards a clear improvement in systems, laws or procedures.

Committees on Corporate Governance

1. ***CII Code Committee (1998)*** The Confederation of Indian Industry (CII), India's largest industry and business association, set up a committee to examine corporate governance issues, and recommend a voluntary code of best practices. The committee was driven by the conviction that good corporate governance was essential for Indian companies to access domestic as well as global capital at competitive rates. Its code (Desirable Corporate Governance: A Code) was released in 1998. The code was voluntary, contained detailed provisions, and focused on listed companies.
2. ***Kumar Mangalam Birla Committee (1999)*** In 1999, the SEBI set up a committee under Kumar Mangalam Birla to promote and raise the standards of good corporate governance. The SEBI board had accepted and ratified key recommendations of this committee, and these were incorporated into Clause 49 of the Listing Agreement of the Stock Exchanges.
3. ***Naresh Chandra Committee (2002)*** The Naresh Chandra Committee was appointed in 2002 by the Ministry of Corporate Affairs to examine various corporate governance issues. The Committee made recommendations regarding auditor-company relationship, prohibition on audit firms to provide non-audit services, compulsory audit partner rotation, auditor's disclosure of qualifications, CEO and CFO certification of annual audited accounts, percentage of independent directors, minimum board size of listed companies, disclosure on duration of board meetings, etc.
4. ***Narayana Murthy Committee (2003)*** The Narayana Murthy Committee was set up by SEBI to review Clause 49, and suggest measures to improve upon corporate governance standards. The major recommendations of the committee primarily related to audit committees, audit reports, independent directors, related party transactions, risk management, directorships and director compensation, code of conduct and financial disclosures.
5. ***J.J. Irani Committee (2005)*** An Expert Committee on Company Law was constituted by the Ministry of Corporate Affairs in December 2004 under the chairmanship of Dr. Jamshed J. Irani. The committee submitted its report in May 2005. It took a comprehensive view in developing a perspective on changes necessary in the Companies Act, 1956 in the context of the present economic and business environment. It also aimed at making India globally competitive in attracting investments from abroad, by suggesting systems in the Indian corporate environment which are transparent, simple and globally acceptable.

AMERICAN CONSTITUTION

The American Constitution is the Constitution of the United States of America which was formed in 1787 following the American Revolution (1775–83). The Constitution was adopted in 1787 at the Philadelphia Convention and came into force in 1789. The salient features of the American Constitution are explained below.

Written Constitution The American Constitution is usually cited as a classic example of a written Constitution. In fact, it is the oldest among the existing written Constitutions of the world. It is contained in a document of some 12 pages and consists of a Preamble, 7 Articles and 27 Amendments. However, the actual working constitutional system includes, apart from the ‘Constitutional Document,’ the following.

- (i) The statutes of the Congress (i.e. the legislature of the USA) which determine the organisation and functions of a number of government agencies.
- (ii) The orders issued by the President on some occasions for giving practical shape to the statutes made by the Congress.
- (iii) The judicial decisions interpreting the Constitution through a system of judicial review. For example, the Supreme Court has increased the scope of federal jurisdiction through the doctrine of ‘implied powers.’
- (iv) The political conventions which have grown gradually around the Constitution. For example, the Cabinet of the President is totally a product of convention.

Thus, the American Constitution or constitutional system, as it exists today, is a product of the 1787 constitutional document and subsequent amendments, the congressional statutes, executive orders, judicial interpretations and the political conventions.

Rigid Constitution Unlike the British Constitution, the American Constitution is a rigid one. It cannot be amended by the Congress in the same manner as the ordinary laws are made. It can be amended by the Congress only by means of a special process provided by the Constitution for that purpose. Therefore, in the USA, there exists a distinction between a constitutional law and an ordinary law.

The American Constitution, the most rigid constitution in the world, lays down the following two methods for its amendment.

- (i) An amendment can be proposed by two-third votes of both the Houses of the Congress. It should be ratified by the legislatures of three-fourths (38 out of 50) of the states within a

seven-year time span.

- (ii) Alternatively, an amendment can be proposed by a constitutional convention called by the Congress on the petition of two-thirds (34 out of 50) of the state legislatures. It should be ratified by the convention in three-fourths (38 out of 50) of state legislatures.

Hence, the procedure prescribed by the American Constitution for its amendment is very difficult, complicated and slow. Its rigid character is evident from the fact that it has been amended only 27 times since its promulgation in 1789.

Federal Constitution USA is a federal state. In fact, the USA is the first and the oldest federal state in the modern world. It is a federal republic comprising 50 states (originally 13 states) and the District of Columbia. The Constitution provides for division of powers between the federal (central) government and the state governments. It confers limited and specified powers on the Centre and vests the residuary powers (which are not enumerated in the Constitution) in the states. Each state has its own Constitution, elected legislature, governor and Supreme Court.

Presidential Government Unlike the British Constitution, the American Constitution provides for the presidential form of government. The features of the American presidential system of government are as follows.

- (i) The American President is both, the head of state and the head of government. As the head of state, he occupies a ceremonial position. As the head of government, he leads the executive organ of government. The President of the USA is the chief real executive.
- (ii) The President is elected by an electoral college for a fixed tenure of four years. He cannot be removed by the Congress except by impeachment for a grave unconstitutional act.
- (iii) The President governs with the help of the Cabinet or a smaller body called 'Kitchen' Cabinet. It is only an advisory body and consists of non-elected departmental secretaries. They are selected and appointed by him and are responsible only to him. They can also be removed by him any time.
- (iv) The President and his secretaries are not responsible to the Congress for their acts. They neither possess membership in the Congress nor attend its sessions.
- (v) The President cannot dissolve the House of Representatives—the lower House of the Congress.

Separation of Powers The doctrine of separation of powers is the basis of the American constitutional system. The legislative, executive and judicial powers of the government are separated and vested in the three independent organs of the government. The first three articles of the Constitution clearly manifest this feature of the Constitution. Article I says that all legislative powers herein granted shall be vested in the Congress. Article II states that the executive powers shall be vested in the President. Article III provides that the judicial powers shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

Checks and Balances The system of checks and balances in the American Constitution is an outcome of the adoption of the principle of separation of powers. It enables each organ of the government to exercise partial control on others so that no organ becomes autocratic and irresponsible. This means that no organ of government has unrestricted powers even in its own sphere.

Some aspects of the working of the system of checks and balances in the American Constitutional system are:

- (i) The President can veto the bills passed by the Congress. He enjoys two kinds of vetos—Pocket veto and Qualified veto.
- (ii) The Senate confirms the higher appointments made and international treaties concluded by the President.
- (iii) The Congress determines the organisation and appellate jurisdiction of the judiciary.
- (iv) The President appoints the judges with the consent of the Senate.
- (v) The Supreme Court can declare the congressional laws and Presidential orders as *ultra vires*.

Supremacy of Constitution and Judicial Review The American Constitution embodies the principle of 'hierarchy of laws.' The written Constitution is regarded as the highest (supreme or fundamental) law of the land. The statutes of the Congress and state legislatures must conform to this supreme law. If these statutes are against the provisions of the Constitution, they can be declared by the Supreme Court as *ultra vires* and hence, null and void. The Supreme Court thus acts as the custodian of the Constitution through its power of judicial review.

Bill of Rights The American Constitution is the first Constitution in the world to carry the Bill of Rights. It guarantees a large number of rights to the people. It says that no person is to be deprived of life, liberty and property without due process of law. These rights impose restrictions on the authority of the government. The Supreme Court acts as the protector of these rights through its power of judicial review. This Bill of Rights was added to the original Constitution in 1791 through the first ten amendments.

Bicameralism The American Federal Legislature called the Congress is bicameral, that is, it consists of two Houses namely the Senate and the House of Representatives. The Senate is the upper House while the House of Representatives is the lower House. The Senate consists of 100 members, two being elected from each state to serve for a fixed six-year term. The House of Representatives consists of 435 members elected from single member constituencies to serve for a fixed two-year term. The Senate is the more powerful chamber of the Congress. In fact, the American Senate is the most powerful second chamber (upper House) in the world.

American President

Mode of Election The American Constitution provides for an indirect election of the President. However, the growth of political parties and political conventions has converted it into a direct election.

Constitutionally, the President is elected by an electoral college constituted for the purpose. The members of this college (called as Presidential Electors) are elected directly by the people of all the states. The number of presidential electors in each state is equal to the number of its members in the Congress (both in the House of Representatives and the Senate). It means that the electoral college consists of as many members as is the total strength of the two Houses of the Congress. Additionally, three votes have been given to the District of Columbia, a federal enclave and not a state. Thus, the total strength of the electoral college is 538 (435 is the strength of the House of Representatives, 100 is the strength of the Senate and 3 members of the District of Columbia). A candidate in order to win

the presidential election needs 270 votes, that is, 269 (half of the total votes of 538) plus 1.

It must be stressed here that the members of the electoral college are not the members of the Congress. The college is a special body which is formed only for electing the President and it gets dissolved after this.

If no candidate secures the requisite majority, the House of Representatives elects the President from among the three candidates securing the highest votes in the electoral college. There have been three such occasions (1800, 1824 and 1876).

Qualifications, Term and Removal According to the Constitution, a candidate for the presidency must have the following three qualifications:

- (i) He must be a natural born citizen of the USA. A naturalized citizen is not eligible.
- (ii) He must have attained the age of 35 years.
- (iii) He must have been a resident of the USA for 14 years (not necessarily consecutive).

The President holds the office for a fixed tenure of 4 years. He is eligible for re-election but only once. The 22nd Amendment Act of 1951 has fixed the maximum total term for any President at 10 years. In other words, it bars any person from being elected as President more than twice. The presidential term of 4 years begins on 20 January.

The President may be removed from the office before the expiry of his normal tenure of 4 years through impeachment for treason, bribery or other high crimes and misdemeanors. The House of Representatives initiates the impeachment proceedings by a majority vote. The case is then tried by the Senate. During this trial period, the Senate acts as a judicial tribunal and is presided over by the Chief Justice of the Supreme Court (and not the Vice-president). If the Senate also passes the impeachment resolution by a two-thirds majority, the President stands impeached. So far, no American president has ever been removed by impeachment. But, there have been three impeachment attempts—Andrew Johnson (1868), Richard Nixon (1974) and Bill Clinton (1998).

Powers and Functions The American presidency is one of the strongest democratic office in the world. Lord Bryce regards it as “the greatest office in the world”. Munro observed that “the American President exercises the largest amount of authority ever wielded by any man in a democracy”. Ogg regards him as “the greatest ruler of the world”. Harold Laski remarked: “the President of the United States is both more and less than a King, he is also both more and less than a Prime Minister”.

The President derives his powers and functions from four sources: Constitution, Acts of Congress, judicial interpretations and political conventions. These are mentioned below:

1. He has to enforce the Constitution, federal laws and treaties, and judicial decisions throughout the country.
2. He is the supreme commander of the armed forces of the US.
3. He appoints the Supreme Court judges, ambassadors, heads of executive departments, diplomatic officials, consuls and other top officials.
4. He formulates foreign policy and conducts foreign affairs of the US.
5. He can grant pardon and reprove for offences against federal laws (except in cases of impeachment).
6. When a Bill approved by both the Houses of the Congress is sent to him for his assent, he has three options before him:

- (i) He may give his assent to the Bill and the Bill then becomes an Act.
 - (ii) He may reject the Bill and return it to the Congress within 10 days. But, if the same bill is re-passed by the Congress by a two-thirds majority, then the Bill becomes a law and the president has to sign it. This is known as 'Qualified Veto'.
 - (iii) He may reserve the Bill with him. Then, the Bill becomes a law after the expiry of ten days without his assent. But, if the Congress ends session before ten days, then the Bill automatically dies. This is known as 'Pocket Veto' and it is absolute.
7. He can send messages to the Congress proposing some legislative measures; either orally delivered to the House or sent in the form of a document.
 8. He can call special sessions of the Congress for consideration of urgent matters.
 9. He prepares the national budget and submits it to the Congress for approval.
 10. He is empowered to make rules and regulations in the form of executive orders. This is known as delegated legislation.
 11. He is empowered to adjourn the Congress, when there is a disagreement between two Houses on the date of adjournment.

BRITISH CONSTITUTION

The British Constitution is the Constitution of the United Kingdom of Great Britain and Northern Ireland. Great Britain consists of England, Wales and Scotland. England and Wales were united in 1535 and Scotland joined them to form the state of Great Britain in 1707, while the United Kingdom of Great Britain and Northern Ireland was formed in 1921.

The British constitutional system is the oldest in the world and is also the oldest democratic system. In fact, the British Constitution is the 'mother of Constitutions.' The principles and institutions of representative government were first developed in Britain.

The British Constitution is a blend of monarchy, aristocracy and democracy. The salient features of the British Constitution are explained below.

Unwritten Constitution Unlike the American Constitution, the British Constitution is unwritten. In the UK most of the principles governing the distribution and exercise of the governmental powers are not written. Only a small portion of the British Constitution is covered by written documents. The British Constitution is an evolved Constitution, not an enacted one. It is a product of history and a result of evolution. It is a child of chance (accident) as well as wisdom (design). It is not a static constitution but a remarkably dynamic one. Hence, L.S. Amery in his book *Thoughts on the Constitution* says that the British Constitution is "a blend of formal law, precedent and tradition."

The various elements or sources of the British Constitution are explained as follows.

1. Conventions Conventions constitute a major element of the British Constitution. These are the unwritten principles of political practices and customary principles of constitutional behaviour which have developed in the course of time. J.S. Mill described them as the "Unwritten maxims of the Constitution." However, unlike the laws, they are not recognised and enforced by judicial courts. But they play a very significant role in the actual working of the British political institutions. They are generally observed as they are backed by tradition and public opinion. The well-known conventions in Britain are:

- (a) The King or Queen should exercise his/her legal powers on the advise of the Cabinet headed by the Prime Minister.
- (b) The King should appoint the leader of the majority party in the House of Commons as the Prime Minister.
- (c) The King should dissolve the lower House of Parliament on the advise of the Prime Minister.
- (d) The King should give his assent to all the Bills passed by the Parliament.
- (e) The Cabinet is collectively and individually responsible to the House of Commons.

2. Great Charters These are also called as constitutional charters or constitutional landmarks. They are historical documents which define the powers of the Crown and liberties of the citizens, and so on. They have a significant bearing on some of the basic aspects of the British Constitution. The important among such charters are the Magna Carta (1215), the Petition of Rights (1628), the Bill of Rights (1689), and others.

3. Statutes These are the laws made by the British Parliament from time to time. They define and regulate the principles, structures and functions of many British political institutions. The important statutes in Britain are the Habeas Corpus Act (1679), the Statute of Westminster (1931), Ministers of the Crown Act (1937), the People's Representation Act (1948), and others.

4. Common Law It is a body of judge made laws. It has defined some of the significant rules and principles pertaining to the powers of the government and its relationship with the citizens. They are accepted and enforced by judicial courts. Dr. Ogg defines common law as "the vast body of legal precept and usage, which through the centuries has acquired binding and almost immutable character."

5. Legal Commentaries These are the commentaries or text books written on the constitutional law of the country by the constitutional experts. They provide insight into the working of the British political institutions. They clarify the meaning and fix the scope of certain constitutional principles. Some of the popular legal commentaries on the British Constitution, are A.V. Dicey's 'Law of the Constitution,' Bagehot's 'English Constitution,' Blackstone's 'Commentaries on the Laws of England,' and others.

Flexible Constitution Unlike the American Constitution, the British Constitution is flexible in nature. It requires no special procedure for its amendment. It can be amended by the Parliament in the same manner as the ordinary laws are made. Thus, in Great Britain, there exists no distinction between the constitutional law and the ordinary law.

Unitary Constitution Great Britain is a unitary state. Hence, all the powers of the government are vested in a single supreme central government. The local governments are created only for administrative convenience and they work under the complete control of the Central Government located at London. They derive their authority from the central government which can also abolish them altogether at any time.

Parliamentary Government The British Constitution provides for parliamentary form of government in which the executive hails from the legislature and remains responsible to it. The features of the British parliamentary system of government are as follows:

- (i) The King is the nominal executive while the Cabinet is the real executive. The King is head of the state while the Prime Minister is head of the government.
- (ii) The party which secures majority seats in the House of Commons, forms the government. The leader of that party is appointed as the Prime Minister by the King/Queen.
- (iii) The ministers are individually as well as collectively responsible to the House of Commons for their acts. They remain in office so long as they enjoy the majority support in the House.
- (iv) The King can dissolve the House of Commons on the advise of the Prime Minister.
- (v) The ministers (members of the executive) are also the members of the British Parliament. This avoids conflicts between the executive and the legislature and facilitates better coordination between them.

Sovereignty of Parliament Sovereignty means the supreme power within the state. That supreme power in Great Britain lies with the Parliament. Hence sovereignty of Parliament (or supremacy of Parliament) is a cardinal principle of the British constitutional law and political system. This principle implies the following things.

- (i) The British Parliament can make, amend, substitute or repeal any law. De Lolme said, “The British Parliament can do everything except make a woman a man and a man a woman.”
- (ii) The Parliament can make constitutional laws by the same procedure as ordinary laws. In other words, there is no legal distinction between the constituent authority and the law-making authority of the British Parliament.
- (iii) The parliamentary laws cannot be declared invalid by the judiciary as being unconstitutional. In other words, there is no system of judicial review in Great Britain.

Rule of Law The doctrine of rule of law is one of the fundamental characteristics of the British constitutional system. It lays down that the law is supreme and hence the government must act according to law and within the limits of the law. A.V. Dicey in his book *The Law of the Constitution* (1885), has given the following three implications of the doctrine of rule of law.

- (i) Absence of arbitrary power, that is, no man can be punished except for a breach of law.
- (ii) Equality before the law, that is, equal subjection of all citizens (rich or poor, high or low, official or non-official) to the ordinary law of the land administered by the ordinary law courts.
- (iii) The primacy of the rights of the individual, that is, the Constitution is the result of the rights of individual as defined and enforced by the courts of law, rather than the Constitution being the source of the individual rights. The rights of the citizens of Great Britain flow from judicial decisions, not from the Constitution.

Constitutional Monarchy Great Britain is a monarchical state. It is described as a limited hereditary monarchy. The hereditary monarch (King or Queen) is the head of the state. The Crown is the visible symbol of the supreme executive power. However, the King or Queen only reigns, but does not rule. These powers are actually excised by the Cabinet headed by the Prime Minister. The cabinet is collectively responsible to the Parliament for its actions and ultimately to the electorate. Hence, what Great Britain has is a “constitutional monarchy.”

The distinction between the Crown and the King is the distinction between the monarchy as an institution and the monarch as a person. In other words, the King is a person whereas the Crown is an institution (i.e. the institution of kingship). The King is mortal whereas the Crown is immortal. This is

clearly expressed by the popular statement in Great Britain that “the King is dead; long live the King.” It means that the person who occupied the throne is dead but the institution of kingship survives.

Bicameralism The British Parliament is bicameral, that is, it consists of two houses namely the House of Lords and the House of Commons.

The House of Lords is the upper house. It is the oldest second chamber in the world. It consists of lords, peers and nobles and hence, represent the aristocratic element of the British political system. At present it has 677 appointed members who fall into four distinct groups. It is mostly a hereditary body.

The House of Commons is the lower House but more important and powerful than the House of Lords. It is the oldest popular legislative body in the world. It consists of the representatives elected by the people on the basis of universal adult franchise. There are at present 659 seats in the House of Commons and these are distributed among England, Wales, Scotland and Northern Ireland.

British Cabinet

Composition As the British Constitution provides for parliamentary system of government, the Cabinet acts as the real executive authority. It consists of the Prime Minister as its head and twenty or so of his most senior ministerial colleagues. It includes the following:

1. Prime Minister and First Lord of the Treasury and Minister for the Civil Service.
2. Chancellor of the Exchequer.
3. Lord Privy Seal.
4. Chancellor of the Duchy of Lancaster.
5. Lord President of the Council.
6. President of the Board of Trade.
7. Lord Chancellor.
8. First Lord of Admiralty.
9. Post Master General.
10. Secretaries of State for Home, Foreign, Defence, Social Services, Environment and Education and Science.
11. Ministers of Agriculture and Fisheries, Health, Pension, Transport and Labour.
12. Secretary of State of Scotland.
13. Secretary of State for Wales.

It must be mentioned here that the Attorney-General, Solicitor-General, Lord Advocate and Paymaster-General are not members of the British Cabinet.

Privy Council There is a close relationship between the Cabinet and the Privy Council. This council, in its present form, came into existence in the fifteenth century as an advisory body to the British monarch. In the course of time, most of its powers were transferred to the cabinet as its inner committee. Presently, it consists of 330 members and includes, *inter alia*, all cabinet ministers (past and present). It is presided over by the Lord President of the Council.

Prime Ministerial Government In the past, the British Constitutional and political experts had described the relationship between the Prime Minister and the Cabinet as ‘Primus inter pares’ (first

among equals). In the recent period, the Prime Minister's power, influence and position have increased significantly vis-a-vis the cabinet. He has come to play a 'dominant' role in the British Politico-administrative system. Hence, the later political analysts, like Crossman, Mackintosh and others have described the British Cabinet Government as 'Prime Ministerial Government'.

Shadow Cabinet It is a unique institution of the British Cabinet system. It is formed by the opposition party to balance the ruling cabinet and to prepare its members for future ministerial office. In Britain, the opposition enjoys an official recognition and is as well organized as the government. It runs a 'Parallel' government with its shadow cabinet. In this shadow cabinet, almost every member in the ruling cabinet is 'Shadowed' by a corresponding member in the opposition cabinet. The members of the shadow cabinet watch critically the working of the departments assigned to them. They match the cabinet ministers in the parliamentary debates. The shadow cabinet serves as the 'alternative cabinet' if there is change of government. That is why Ivor Jennings described the leader of opposition as the 'alternative' Prime Minister. He enjoys the status of a Minister and is paid by the government.

FRENCH CONSTITUTION

The French Revolution (1789–1799) had a significant impact on the growth of the French constitutional system. Since the revolution, France has changed its constitution on an average after every 12 years. It adopted three monarchic, two dictatorial, three imperial and four republican constitutions. The present French Constitution, which established the Fifth Republic, came into force in 1958. It was prepared under the instructions of General de Gaulle. It was designed to give France a strong and stable government.

The salient features of the Constitution of the Fifth French Republic are:

Written Constitution Like the American Constitution, the French Constitution is a written Constitution. It contains a Preamble and 92 Articles divided into 15 chapters. It declares 'Liberty, Equality and Fraternity' as the motto of the Fifth Republic. Article 2 of the Constitution states that "France is a republic, indivisible, secular, democratic and social."

Article 1 deals with the adoption of the Constitution by the Republic and the Overseas Territories to set up a community. It is placed under the Preamble itself. The chapters of the Constitution are mentioned in [Table 22.1](#).

Table 22.1 French Constitution at a Glance

<i>Chapter Number</i>	<i>Chapter Title</i>	<i>Articles Covered</i>
I	Sovereignty	2 to 4
II	The President of the Republic	5 to 19
III	The Government	20 to 23
IV	Parliament	24 to 33
V	Relations between Parliament and Government	34 to 51
VI	Treaties and International Agreements	52 to 55
VII	The Constitutional Council	56 to 63

VIII	The Judicial Authority	64 to 66
IX	The High Court of Justice	67 to 68
X	The Economic and Social Council	69 to 71
XI	Territorial Entities	72 to 76
XII	The Community	77 to 87
XIII	Agreements of Association	88
XIV	Revision	89
XV	Temporary Dispositions	90 to 92

Rigid Constitution Unlike the British Constitution, the French Constitution is rigid in nature. It contains a special procedure for amendment. It can be amended by the Parliament by 60 per cent majority vote in both the Houses. Alternatively, the President can call a national referendum on constitutional amendment. However, the republican form of government in France is not subject to amendment. Thus there is no place for monarchy in France.

Unitary Constitution France is a unitary state. There is no division of powers between the central and local or provincial governments. All powers are vested in the single supreme Central Government located at Paris. The local governments are created and abolished by the Central Government only for administrative convenience. In fact, France is more unitary than Britain.

Quasi-Presidential and Quasi-Parliamentary The French Constitution provides neither presidential nor parliamentary government. Rather, it combines the elements of both. On one hand, it provides for a powerful President who is directly elected by the people for a five-year term, on the other, there is a nominated council of ministers headed by the Prime Minister which is responsible to the Parliament. However, the ministers shall not be the members of the Parliament.

Bicameralism The French Parliament comprises the National Assembly (the lower house) and the Senate (upper house). The National Assembly has 577 members who are directly elected for a five-year term. The Senate has 321 members who are indirectly elected for a nine-year term. The National Assembly is more dominant and powerful than the Senate.

Rationalised Parliament The Constitution of France established a rationalised parliament, that is, a Parliament with restricted and limited powers. The powers of the French Parliament are restricted *vis-a-vis* the political executive. It can make laws only on those items which are defined in the Constitution. On all other matters, the government is empowered to legislate by executive decree. The Parliament can also delegate law-making power to the executive branch. These limitations on parliamentary authority were imposed to provide for a strong executive.

The Constitutional Council France has a Constitutional Council. It consists of nine members who are appointed for a term of nine years. It functions as a judicial watchdog and ensures that the executive decrees and parliamentary laws conform to the provisions of the Constitution. However, it is only an advisory body and its opinion is not binding.

Recognition of Political Parties The Constitution of France gives recognition to political parties and their role. It is for the first time in France that a Republican Constitution not only mentions parties but also acknowledges them as a normal part of political life. Article 4 of the Constitution

states that the “parties must respect the principles of national sovereignty and democracy.”

French President

Mode of Election Originally, the Constitution provided for an indirect election of the President. He was to be elected by an electoral college consisting of three types of members—(i) national representatives (members of two Houses of Parliament); (ii) representatives of the local authorities; and (iii) representatives of the overseas territories. But, in 1962, the Constitution was amended through a referendum.

The President is now directly elected by universal suffrage. In order to win the election, a candidate has to obtain an absolute majority of the votes cast. In case no candidate obtains the requisite majority in the first ballot, then a second ballot is held. Only the two candidates who have received the highest number of votes in the first ballot may stand in the second ballot.

Tenure and Removal The President is elected for a term of five years. He is eligible for re-election, as many times as he may like. Moreover, the Constitution has not prescribed any qualifications (including the minimum age limit) for the presidential office.

If the presidency falls vacant, the functions of the president (except submitting a bill to a referendum and dissolution of the National Assembly) are performed temporarily by the president of the Senate and if he is also not in a position, the functions are performed by the government.

The President can be removed from the office before the expiry of his normal tenure of five years through an impeachment for high treason. The impeachment resolution should be passed by both the Houses of Parliament by an absolute majority. After this indictment by the Parliament, the president is tried by the High Court of Justice.

Powers and Functions The president is the pivot of the Constitution and occupies a dominant position in the system of government. He is the real head of the state, the leader of the nation and the symbol of national unity. His powers and functions are as follows:

1. He appoints the prime minister and accepts his resignation.
2. He appoints and dismisses the other members of the government (Council of Ministers) on the advice of the prime minister.
3. He presides over the meetings of Council of Ministers. This provides him a direct opportunity to influence, guide, direct and control the policies of the government.
4. He makes appointments to civil and military posts of the state.
5. He is the commander-in-chief of the armed forces of the country.
6. He negotiates and ratifies treaties; and sends and receives diplomats.
7. He is kept informed of all the negotiations leading to the conclusion of an international agreement not subject to ratification.
8. He presides over the higher councils and committees of national defence.
9. He presides over and represents the French community.
10. He appoints the president and three members of the Constitutional Council.
11. He promulgates the laws within 15 days following their final adoption by the Parliament and transmission to the government. However, before the end of this period, he can ask the Parliament to reconsider a law. This reconsideration cannot be refused by the Parliament.
12. He can send messages to the Parliament and summon its special sessions.

13. He can submit to a referendum any government bill on the proposal of the government during the parliamentary sessions or on the joint proposal of the two Houses of the Parliament. If the bill is approved in the referendum, the President should promulgate it within 15 days.
14. He signs the ordinances and decrees that have been considered by the Council of Ministers.
15. He has the right to pardon.
16. He presides over the Higher Council of the judiciary. He also appoints nine members to it.
17. He is the protector of the independence of the judicial authority.
18. He is vested with special powers to deal with emergencies. During this period, he can take the required measures after consulting the Prime Minister, the presidents of the two Assemblies (Houses) of the Parliament and the Constitutional Council.
19. He can dissolve the National Assembly, after consulting the Prime Minister and the Presidents of the two Assemblies (Houses of the Parliament). The Constitution, however, imposes two limitations: (i) He cannot dissolve the National Assembly more than once in twelve months; and (ii) the National Assembly cannot be dissolved during an emergency. Notably, the president is not required to follow the advice of the prime minister and the presidents of the two Assemblies. Further, the president can refuse dissolution when asked by the Prime Minister.

JAPANESE CONSTITUTION

The modern state of Japan came into existence with the Meiji Restoration in 1868. The Meiji Constitution remained in force for 58 years (i.e., from 1889 to 1947). This Constitution was based on the ideals of autocracy, authoritarianism, and monarchy.

After the Second World War (1939–45), Japan was placed under Allied Occupation from 1945 to 1952. The U.S. General Douglas MacArthur was the Supreme Commander of the Allied Powers in Japan. Under his direction, Japan adopted a new democratic constitution in 1946. This Constitution is based on the ideals of democracy and peace, as conceived by the Occupation Authorities.

The new and the present Constitution of Japan became operative in 1947. It came to be known both as the MacArthur constitution as well as the Showa Constitution. Showa is the title of the reign of Emperor Hirohito and means ‘Radiant Peace.’ At the time of adoption of the new Constitution, Hirohito was the Emperor and Shidehara was the Prime Minister of Japan.

The salient features of the present Constitution of Japan are as follows:

A Written Constitution Like the American Constitution, the Japanese Constitution is a written Constitution. It contains a Preamble and 103 Articles divided into 11 chapters. It is a unique blend of the American and the British system. The Preamble emphasises the principle of the sovereignty of the people. The chapters of the Constitution are mentioned below in [Table 22.2](#).

Table 22.2 Japanese Constitution at a Glance

<i>Chapter Number</i>	<i>Chapter Title</i>	<i>Articles Covered</i>
I	The Emperor	1 to 8
II	Renunciation of War	9
III	centers and Duties of the People	10 to 40

IV	The Diet	41 to 64
V	The Cabinet	65 to 75
VI	Judiciary	76 to 82
VII	Finance	83 to 91
VIII	Local Self-government	92 to 95
IX	Amendments	96
X	Supreme Law	97 to 99
XI	Supplementary Provisions	100 to 103

Rigid Constitution Like the American Constitution, the Japanese Constitution is a rigid one. It cannot be amended by the Diet (Japanese Parliament) in the same manner as the ordinary laws are made. It can be amended only by means of a special process provided by the Constitution for that purpose. Hence, in Japan, there exists a distinction between a constitutional law and an ordinary law.

The Japanese Constitution lays down the following procedure for its amendment:

- (i) The amendment shall be initiated by the Diet. Such a proposal must be passed by a majority of two-thirds of its membership.
- (ii) After that, it is submitted to the people for ratification at a special referendum or a specific election. It must be approved by the majority of the people.
- (iii) Amendment when so ratified shall immediately be promulgated by the Emperor in the name of the people, as an integral part of the Constitution.

It must be mentioned here that the Japanese Constitution has not so far been amended even once. Thus, the Constitution reads today as it did in 1947.

Unitary Constitution Like the British Constitution, the Japanese constitution provides for a unitary state. There is no division of powers between the Central and provincial governments. All powers are vested in the single supreme Central Government located at Tokyo. The provinces derive their authority from the Central Government. The Diet can expand or diminish the authority and jurisdiction of the provinces. Thus the provinces are subordinate units of government and enjoy only those powers which are delegated to them by the supreme Central Government.

Parliamentary Government Japan has shown a preference for the British Parliamentary System rather than the American Presidential System of Government. The features of the Japanese Parliamentary system of government are as follows:

- (i) The Emperor is the nominal executive while the Cabinet is the real executive. The cabinet consists of the Prime Minister as its head and twenty Ministers of State. The Emperor is the head of the state while the Prime Minister is head of the government.
- (ii) The party which secures majority seats in the House of Representatives forms the government. The leader of the majority party or majority coalition invariably becomes the Prime Minister.
- (iii) The Prime Minister is designated from among the members of the Diet by a resolution of the Diet. The Emperor appoints the Prime Minister as designated by the Diet.
- (iv) The Prime Minister appoints the Ministers of State. But, a majority of them should be chosen from among the members of the Diet.
- (v) The Prime Minister can remove the Ministers of state as he chooses.
- (vi) The Cabinet, in the exercise of the executive power, is collectively responsible to the Diet. It

must resign when the House of Representatives passes a no-confidence resolution.

(vii) The Emperor can dissolve the House of Representatives on the advice of the Prime Minister.

An analysis of the above points makes it clear that Japan (though adopted the British Parliamentary pattern) differed from Britain in the following four respects:

- (i) In Britain, the Prime Minister is chosen as well as appointed by the King/Queen, while in Japan, the Prime Minister is chosen by the Diet but appointed by the Emperor.
- (ii) In Britain, the Ministers are appointed by the King/Queen, while in Japan, the Ministers are appointed by the Prime Minister.
- (iii) In Britain, the Prime Minister cannot remove the Ministers, while in Japan, the Prime Minister can remove the Ministers at his will.
- (iv) In Britain, all the Ministers must be members of the Parliament, while in Japan, only a majority of the Ministers must be members of the Diet.

Constitutional Monarchy Japan is a monarchical state. It is described as a limited hereditary monarchy. The constitution, though it preserves the institution of the Emperor, it deprives him of all powers, privileges and prerogatives he formerly exercised and enjoyed. It makes the following provisions with regard to the institution of the Emperor:

- (i) The Emperor is the symbol of the state and of the unity of the people. He derives his position from the will of the people with whom resides sovereign power. Thus, the sovereignty of the Emperor is abolished.
- (ii) The Imperial Throne is dynastic and succeeded to in accordance with the law passed by the Diet.
- (iii) The advice and approval of the Cabinet is required for all acts of the Emperor.
- (iv) The Emperor performs only those acts which are enumerated in the constitution and he has no powers related to government.
- (v) The Emperor can neither give nor receive imperial property without the authorisation of the Diet.

Thus, the Constitution has made the Emperor merely a constitutional head. His authority is strictly limited to ceremonial functions of a constitutional monarch. Like his British counterpart, he only reigns and does not rule.

Supremacy of Constitution and Judicial Review The Japanese Constitution establishes the principle of supremacy of Constitution. The Constitution is regarded as the supreme (highest or fundamental) law of the land. The laws, ordinances, imperial rescript and official acts must conform to this supreme law. If these are against the provisions of the Constitution, they can be declared by the Supreme Court as ultra-vires and hence, null and void.

Thus, the American principle of judicial review is adopted in Japan. But there is a difference. The American Supreme Court does not derive its power of judicial review from the Constitution, whereas the Japanese Supreme Court derives its power of judicial review directly from the Constitution. Article 81 of the Japanese Constitution specifically says that the Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation, or official Act.

Fundamental Rights The Japanese Constitution provides for rights on the model of the Bill of Rights in the USA. It guarantees a large number of civil, political and economic rights to the people of

Japan and declares them as 'eternal and inviolate'. The judiciary headed by the Supreme Court acts as the protector of these rights through its power of judicial review.

The rights provided by the Japanese Constitution are more elaborate and definite than the American Bill of Rights. Out of a total of 103 Articles in the Constitution, 31 Articles (i.e., 10 to 40) are devoted to the rights and duties of the people. The rights provided for in the Constitution are:

- (i) Right to equality.
- (ii) Right to freedom.
- (iii) Right to freedom of religion.
- (iv) Right to private property.
- (v) Economic rights.
- (vi) Right to education.
- (vii) Cultural rights.
- (viii) Right to constitutional remedies.

Renunciation of War The Japanese Constitution renounces war as a sovereign right of the nation and the threat or use of force as means of settling international disputes. It prohibits Japan from maintaining land, sea, and air forces, as well as other war potential. It also does not recognise the right of belligerency of the state.

Japan is the only modern state which has constitutionally renounced war forever. It is the most peculiar as well as the most controversial feature of the Japanese Constitution. This provision was got inserted into the Constitution by General MacArthur to see that Japan would never again be allowed to act as a military nation as it did during the period of 1931 to 1945 and to abolish forever the power of Japan as a rival to the US in the far east. However, it does not mean that Japan cannot use arms and other forces for its security and defence. Like any other modern state, Japan has its defence capabilities but the term used is 'self-defence forces' to look constitutionally correct. They are justified on the ground that every state has an inherent right to defend itself against foreign aggression.

Bicameralism The Japanese Diet is bicameral, that is, it consists of two houses namely the House of Councillors (upper house) and the House of Representatives (lower house). The House of Councillors consists of 252 members elected for a term of six years. Out of the total 252 members, 152 are elected on a geographical basis (local constituencies) and the remaining 100 are elected by the nation at large (national constituency). The House of Representatives consists of 512 members elected for a term of four years. The House of Representatives has more powers than the House of Councillors, especially in financial matters.

Constitutionally, the Diet is the highest organ of state power and is the sole law-making organ of the state.

SOVIET CONSTITUTION

The state of the USSR, also called as the Soviet Union, was formed in 1917 following the Russian Revolution (Bolshevik Revolution) led by the charismatic V.I. Lenin. After being a Super Power for more than 70 years, the USSR finally collapsed and disintegrated in 1989–1991 mainly due to

economic crisis. Mikhail Gorbachev's popular reforms called 'Glasnost' (Openness) and 'Perestroika' (Restructuring) could not save the USSR. In December 1991, the constituent units of the USSR formed a Commonwealth of Independent States (CIS). The CIS is an alliance of fully independent states but not a state in itself. It declared itself, in some aspects of international affairs and law, the successor to the erstwhile USSR.

The Russian Revolution of October 1917 created, for the first time ever a socialist state whose goal was Communism. Hence, the Soviet Constitution was the first socialist constitution of the world. Since its formation in 1917, the USSR adopted four Constitutions, that is, in 1918, 1924, 1936 (Stalin Constitution) and 1977 (Brezhnev Constitution).

The constitutional system of the USSR was based on the principles and ideologies of Marxism—Leninism. Thus, the Communist Party dominated the entire political and administrative system of the USSR. As Ferrel Heady said, the system aimed "at monolithic unity under the aegis of the Communist Party." It was in this respect that the politico-administrative system of the USSR was different from that of the UK, USA and France. As Ferrel Heady puts it, the USSR was "a 'Totalitarian directed society', with the state bureaucracy basically subservient to the Communist Party."

The salient features of the Soviet Constitution of 1977 are explained below.

A Written Constitution Like American and French Constitutions, the Soviet Constitution of 1977 was also a written one. It was drafted by a committee headed by Mr. Brezhnev. It had 20 chapters and 174 articles divided into 9 parts.

A Rigid Constitution The Soviet Constitution of 1977 was rigid in nature. It provided for a special procedure for its amendment. It could be amended by the legislature of the USSR (Supreme Soviet) by a two-third majority in each House.

A Socialist Constitution The Constitution was socialistic in nature and laid down the foundation of a socialist state. It stated that "the Union of Soviet Socialist Republics is a socialist state of the whole people, expressing the will and interests of the workers, peasants and intelligentsia, the working people of all the nations and nationalities of the country." It further stated that "all powers in the USSR belongs to the people who shall exercise the state power through Soviets of People's Deputies, which constitute the political foundation of the USSR." It also stated that "the foundation of the economic system of the USSR is socialist ownership of the means of production in the form of state property (belonging to all the people) and collective farm and cooperative property."

A Federal Constitution The 1977 Constitution provided for a federal state consisting of 15 units called Union Republics. These units of the Soviet Federation were Russia, Ukraine, Byelorussia, Uzbekistan, Kazakhstan, Georgia, Azerbaijan, Lithuania, Moldavia, Latvia, Kyrgyzstan, Tajikistan, Armenia, Turkmenistan and Estonia. The powers were divided between the Centre and the units. The powers of the Centre were enumerated while the residuary powers were given to the units as in the case of the USA. These 15 Union Republics had their own separate Constitutions conforming to the Constitution of the USSR and enjoyed the right to secede from the USSR.

Within several union republics existed autonomous republics (20), autonomous regions (8) and autonomous areas (10). They were vested with a certain amount of autonomy. Hence, the union republics were called as sub-federations within the Soviet Federation and the USSR was called a 'Federation of Federations'.

Parliamentary Government The Constitution provided for a parliamentary form of government in the USSR. The council of ministers was elected by the Supreme Soviet (legislature of the USSR) and remained responsible to it for its policies and acts. The Supreme Soviet could also remove the ministers from their offices. The Constitution stated that “the council of ministers headed by the Premier is the highest executive and administrative authority of the USSR.”

Bicameralism The 1977 Constitution provided for a bicameral legislature for the USSR. Thus, the Supreme Soviet consisted of the Soviet of the Union (lower house) and the Soviet of the Nationalities (upper house). Both the houses had equal number of members (i.e. 750 in each) elected directly every five years. The lower House represented the nation as a whole while the upper House represented the units of the Soviet Federation. The two Houses had equal and coordinate powers in all policy matters.

Presidium The Supreme Soviet, constitutionally the highest body of state authority of the USSR, elected a governing body known as the Presidium. The Constitution termed it as the Standing Committee of the Supreme Soviet. It was a 39-member body consisting of a Chairman, First Vice-Chairman, 15 Vice Chairmen (i.e. the heads of the 15 Union Republics), a Secretary and 21 members. The Chairman (President) of the Presidium was the formal head of the State of the USSR. It functioned as a collective presidency of the USSR. Hence it was called as the ‘Collegial Executive’ or the ‘Plural Executive’ or the ‘Collegiate President’ of the USSR. It combined executive, legislative, diplomatic, military and judicial functions. Because of its multifarious functions and the plural character, the Presidium of the Supreme Soviet of the USSR has been described as the ‘20th Century Innovation.’ This type of institution was not provided by any other constitution of the world.

A One-Party Dictatorship The most important feature of the constitutional system of the USSR was the monopoly of the political power enjoyed by the Communist Party of the Soviet Union (CPSU). It played the most dominant role in the politico-administrative system of the USSR. It was the ‘Supreme maker of policies,’ whether political, economic, social, cultural or foreign. Article 6 of the Soviet Constitution of 1977 stated, “the leading and guiding force of Soviet Society and the nucleus of its political system, of all state organisations and public organisations is the Communist Party of the Soviet Union. The CPSU exists for the people and serves the people. The Communist Party, armed with Marxism-Leninism, determines the general perspectives of the development of society and the course of home and foreign policy of the USSR, directs the great constructive work of the Soviet people and imparts a planned, systematic and theoretically substantiated character to their struggle for the victory of communism.” As Ferrel Heady says “the constitutional structure of the Soviet Union has always been an elaborate facade behind which ‘one-party rule and totalitarianism’ have occupied the political scène.... From the top to the bottom of the Soviet structure the party plays a more important role than the corresponding state organs.”

Democratic Centralism Another salient feature of the Constitution of 1977 was the principle of democratic centralism. Article 3 of the Constitution stated that “the Soviet state is organised and functions on the principle of democratic centralism, namely, the electiveness of all bodies of state authority from the lowest to the highest, their accountability to the people and the obligation of lower bodies to observe the decisions of higher ones. Democratic centralism combines central leadership with local initiative and creative activity and with the responsibility of each state body and official for the work entrusted to them.” This principle was applicable to governmental organisation;

hierarchy of the Soviets and the Communist Party organisation. Vyshinsky says that “the Soviet Union state is built on the principle of democratic centralism sharply opposed to the bureaucratic centralism of the capitalist states.”

Fundamental Rights The Constitution also provided for a large number of economic, social, personal, cultural and political rights to the citizens of the USSR. Ogg and Zinc termed them as “one of the most extraordinary Bill of Rights known to history.” These rights were guaranteed to all the citizens of the country equally irrespective of nationality, race, sex, and so on. The form of the rights granted to the citizens was socialist, not personal, that is, they were meant for the establishment of a socialist system in the USSR. Thus, the enjoyment of these rights by the citizens was not to detriment the interests of society or state or the rights of other citizens.

The list of fundamental rights provided by the Soviet Constitution of 1977 are:

- (i) Right to work.
- (ii) Right to rest and leisure.
- (iii) Right to health protection.
- (iv) Right to maintenance in old age, sickness and disability.
- (v) Right to housing.
- (vi) Right to education.
- (vii) Right to enjoy cultural benefits.
- (viii) Freedom of scientific, technical and artistic work.
- (ix) Right to take part in the management and administration of state and public affairs.
- (x) Right to submit proposals to the state bodies and public and social organisations.
- (xi) Freedom of speech, press, assembly, meetings, street processions and demonstrations.
- (xii) Right to associate in public and social organisations.
- (xiii) Freedom of conscience.
- (xiv) Right to seek family protection.
- (xv) Right to inviolability of person and house.
- (xvi) Right of privacy of citizens.
- (xvii) Right to protection by the court.
- (xviii) Right to appeal against the actions of the officials, state bodies and public bodies.

Fundamental Duties Apart from the fundamental rights, the Constitution also provided for fundamental duties. The Constitution stated that the exercise of these rights and freedoms by the citizens was inseparable from the performance of these duties and obligations. The following is the list of the fundamental duties contained in the Brezhnev Constitution of 1977.

- (i) To observe the Constitution of the USSR and Soviet laws.
- (ii) To observe labour discipline.
- (iii) To preserve and protect the socialist property.
- (iv) To safeguard the interests of the Soviet state.
- (v) To defend the socialist motherland.
- (vi) To render military service.

- (vii) To respect the national dignity of other citizens.
- (viii) To respect the rights and lawful interests of other persons.
- (ix) To protect nature and conserve its richness.
- (x) To preserve historical monuments and other cultural values.
- (xi) To promote and strengthen world peace.

RUSSIAN CONSTITUTION

Russia was the largest constituent unit of the former USSR. It was 75 per cent of the total area of the former USSR and had 50 per cent of its total population. It also contributed about 70 per cent to the total agricultural and industrial output of the former USSR.

After the dissolution of the USSR in December 1991, Russia adopted a new Constitution on December 20, 1993 and thus, established a new politico-administrative system.

The salient features of the Russian Constitution are mentioned below:

1. It declares Russia as a sovereign and multi-ethnic republican state.
2. It provides for a federal state. The Russian Federation consists of 21 Republics, 6 Territories (*Krai*), 49 Regions (*Oblast*), 10 Autonomous Areas (*Autonomy Okrug*), 2 Cities (Moscow and St. Petersburg) of federal status, and Birobijan (Jewish Autonomous Region).
3. It establishes a liberal-democratic order and guarantees fundamental rights to the citizens. Thus, it discards the earlier totalitarian system.
4. It introduces multi-party system and ensures free and fair periodic elections.
5. It provides for the division of the state power among the legislature, executive, and judiciary. These three organs are independent of one another.
6. It establishes bicameral legislature (Federal Assembly) consisting of Federation Council (upper House) and State Duma (lower House). The Federation Council consists of 178 members, two from each territorial units of the Russian Federation. The State Duma consists of 450 members who are directly elected for a period of four years.
7. It declares President of the Russian Federation as head of the state. The President is elected for a term of four years by universal and direct suffrage. He is head of the executive as well as Commander-in-Chief of the armed forces.
8. It authorises the President of the Republic to appoint the Chairman of the Government as the Prime Minister. The President is to appoint other Federal Ministers on the advice of the Prime Minister. He can also dismiss the Prime Minister or any other Federal Minister.
9. It provides for a 19-member constitutional court. Its function is to decide the constitutionality of the Presidential decrees, government orders and laws of the Federal Assembly.
10. It authorises the Russian legislature (Federal Assembly) to remove the President by way of impeachment, on the charge of high treason or grave crime. The resolution of impeachment should be approved by both the Houses by 2/3rd majority.

1. Fifth Report of the Select Committee of the House of Commons on the Affairs of the East India Company, 1812
2. The Committee on the Indian Civil Service (Macauley), 1854
3. The Special Committee on Civil Service Salaries, 1860
4. All-India Police Commission, 1860
5. The Committee on the Selection and Training of Candidates for the Indian Civil Service (Liddell), 1876
6. The Public Service Commission (Charles Aitchison), 1886–87
7. Indian Police Commission (Sir A.H.L. Fraser), 1902
8. The Government of India Clerks' Salaries Committee (J.S. Meston), 1908
9. The Royal Commission Upon Decentralization (Hobhouse), 1907–09
10. The Committee on the Work-Simplification at the District level (H.W. Pike), 1911
11. The Royal Commission on Public Services in India (Lord Islington), 1912–15
12. The Government of India Secretariat Procedure Committee (Llewellyn Smith), 1919
13. Indian Retrenchment Committee (Lord Inchcape) 1922–23
14. Royal Commission on Superior Civil Services in India (Lord Viscount Lee), 1923–24
15. Reforms Enquiry Committee (A.P. Muddiman), 1924
16. Indian Central Committee (Sankaran Nair), 1928–29
17. Indian Statutory Commission (John Simon), 1928–30
18. The Committee on Secretariat Reorganisation (Wheeler), 1930
19. The Committee on Organisation and Procedure (Maxwell), 1936
20. Bengal Administration Enquiry Committee (Rowlands), 1944–45.
21. Report on the Reorganisation of Central Government (Richard Tottenham), 1945–46
22. Report of the Advisory Planning Board (K.C. Neogi), 1947–49
23. Report of the Secretariat Reorganisation Committee (Girija Shankar Bajpai), 1947
24. Report of the First Central Pay Commission (Varadachariar), 1946–47
25. National Planning Committee (Nehru), 1948
26. Report of the Economy Committee (Kasturbhai Lalbhai), 1948
27. Report of the Reorganisation of the Machinery of Government (Gopalaswami Ayyangar), 1949

28. Committee on Corruption (Tek Chand), 1949
29. Report on Public Administration (A.D. Gorwala), 1951
30. Report on the Efficient Conduct of State Enterprises (A.D. Gorwala), 1951
31. The Machinery of Government—Improvement of Efficiency (R.A. Gopaldaswami), 1952
32. Public Administration in India – Report of a Survey (P.H. Appleby), 1953
33. States Reorganisation Commission (Fazil Ali), 1953–55
34. The Railway Corruption Enquiry Committee (J.B. Kripalani), 1955
35. The Re-examination of India's Administrative System with special reference to Administration of Government's Industrial and Commercial Enterprises (P.H. Appleby), 1956
36. Report of the Public Service (Qualification for Recruitment) Committee (A.Ramaswami Mudaliar), 1956
37. The Commission of Enquiry on Emoluments and Conditions of Services of Central Government Employees (Jagannath Das), 1957–59
38. Report of the Team for the Study of Community Development Programme and National Extension Service (Balvantray G. Mehta), 1957
39. Report of the Staff Welfare Review Committee (Fateh Singh), 1961
40. Report on Indian and State Administrative Services and Problems of District Administration (V.T. Krishnamachari), 1962
41. Report of the Committee on Prevention of Corruption (K. Santhanam), 1964
42. Committee on Indian Foreign Service (N.R. Pillai), 1965–66
43. Committee on Central Police Training College (Kohli), 1966
44. The Administrative Reforms Commission (Morarji Desai succeeded by K. Hanumanthaiya), 1966–70. It submitted 20 reports on the following subjects and made a total of 581 recommendations:
 - (i) Problems of Redressal of Citizens' Grievances (1966)
 - (ii) Machinery for Planning (Interim Report) (1967)
 - (iii) Public Undertakings (1967)
 - (iv) Finance, Accounts and Audit (1968)
 - (v) Economic Administration (1968)
 - (vi) Machinery of Government of India and its Procedures of Work (1968)
 - (vii) Life Insurance Corporation (1968)
 - (viii) Machinery for Planning (Final Report) (1968)
 - (ix) Central Direct Taxes Administration (1969)
 - (x) Administration of Union Territories and NEFA (1969)
 - (xi) Personnel Administration (1969)
 - (xii) Delegation of Financial and Administrative Powers (1969)
 - (xiii) Centre-State Relations (1969)
 - (xiv) State Administration (1969)
 - (xv) Small Scale Sector (1969)

- (xvi) Railways (1970)
- (xvii) Treasuries (1970)
- (xviii) Reserve Bank of India (1970)
- (xix) Posts and Telegraphs (1970)
- (xx) Scientific Departments (1970)
- 45. Third Central Pay Commission (Raghubar Dayal), 1973
- 46. Committee on Police Training (Gore), 1974
- 47. Committee on Recruitment Policy and Selection Methods (D.S. Kothari), 1976
- 48. Committee on Panchayati Raj Institutions (Ashoka Mehta), 1978
- 49. National Police Commission (Dharam Vira), 1977–80
- 50. The Economic Reforms Commission (L.K. Jha), 1983
- 51. The Commission on Centre-State Relations (R.S. Sarkaria), 1983–88
- 52. Working Group on District Planning (C.H. Hanumantha Rao), 1984
- 53. The Fourth Central Pay Commission (P.N. Singhal), 1986
- 54. Committee on the Recruitment Policy and Selection Methods for All-India and Central Services (Satish Chandra), 1989
- 55. The Taxation Reforms Committee (Raja J. Chelliah), 1991
- 56. NDC Committee on Austerity (Biju Patnaik), 1992
- 57. The Fifth Central Pay Commission (Ratnavel Pandian), 1997
- 58. The Commission on Review of Administrative Laws (P.C. Jain), 1998
- 59. The Expenditure Reforms Commission (K.P. Geetha Krishnan), 2000–01
- 60. The National Commission to Review the Working of the Constitution (M.N. Venkatachaliah), 2000–02
- 61. Report of the Civil Service Examination Review Committee (Y.K. Alagh), 2001
- 62. Report of the Committee to Review in-Service Training of the IAS Officers (Yugandhar), 2003
- 63. Report of the Committee to Review the System of Performance Appraisal, Promotion, Empanelment and Placement for the All India Services and other Group 'A' Services (Surinder Nath), 2003
- 64. Committee on Civil Service Reforms (P.C. Hota), 2004
- 65. Second Administrative Reforms Commission (Veerappa Moily), 2005–09
- 66. Police Act Drafting Committee (Soli Sorabjee), 2005–06
- 67. Second Commission on Centre-State Relations (M.M. Punchhi), 2007–10
- 68. Sixth Central Pay Commission (B.N. Srikrishna), 2006–08
- 69. Committee on Corporate Governance (Naresh Chandra), 2002
- 70. Committee on Police Reforms (Ribeiro), 1998–99
- 71. Committee on Reforms of Criminal Justice System (V.S. Malimath), 2000–03
- 72. Committee on Police Reforms (Padmanabhaiah), 2000
- 73. Committee on Draft National Policy on Criminal Justice (N.R. Madhava Menon), 2006–07

74. Committee on Judicial Impact Assessment (Jagannath Rao), 2008
75. National Commission for Religious and Linguistic Minorities (Ranganath Misra), 2004–07
76. Prime Minister’s High Level Committee on Social, Economic and Educational Status of the Muslim Community of India (Rajinder Sachar), 2005–06
77. Expert Group on Planning at the Grassroots Level (V. Ramachandran), 2005–06
78. National Commission for Denotified, Nomadic and Semi-Nomadic Tribes (Balkrishna Sidram Renke), 2006–08
79. Committee to Review the Scheme of Civil Services Preliminary Examination (S.K. Khanna), 2010
80. Committee on Disciplinary and Vigilance Inquiries (P.C. Hota), 2010
81. Committee on Restructuring of DRDA (V. Ramachandran), 2010–12
82. Committee to Examine the Language Medium of Interview (Personality Test) in the Civil Services Examination (B.B. Bhattacharya), 2011
83. Committee on Restructuring of Centrally Sponsored Schemes (B.K. Chaturvedi), 2011
84. Committee to Review the Scheme of Civil Services Main Examination (Arun S. Nigaveker), 2011–12
85. Twentieth Law Commission (D.K. Jain Succeeded by A.P. Shah), 2012–15
86. Committee on Leveraging Panchayats for Efficient Delivery of Public Goods and Services (Mani Shankar Aiyar), 2012–13
87. Fourteenth Finance Commission (Y.V. Reddy), 2013–14
88. Seventh Central Pay Commission (Ashok Kumar Mathur), 2014–15
89. Committee to Review the Content and Duration of Induction Training of IAS Officers (Kiran Aggarwal), 2012–14

The second Administrative Reforms Commission (ARC) was constituted by the Government of India (Department of Administrative Reforms and Public Grievances, Ministry of Personnel) in August 2005 under the Chairmanship of Veerappa Moily, a senior Congress leader and former Karnataka Chief Minister. It was constituted as a Commission of Inquiry to prepare a detailed blueprint for revamping the public administration system. It completed its work in May 2009.

TERMS OF REFERENCE OF THE COMMISSION

The Commission suggested measures to achieve a proactive, responsive, accountable, sustainable and efficient administration for the country at all levels of the government. The Commission, *inter alia*, considered the following:

1. Organisational structure of the Government of India
2. Ethics in governance
3. Refurbishing of Personnel Administration
4. Strengthening of Financial Management Systems
5. Steps to ensure effective administration at the State level
6. Steps to ensure effective District Administration
7. Local Self-Government/Panchayati Raj Institutions
8. Social Capital, Trust and Participative public service delivery
9. Citizen-centric administration
10. Promoting e-governance
11. Issues of Federal Polity
12. Crisis Management
13. Public Order

The Commission excluded from its purview the detailed examination of administration of Defence, Railways, External Affairs, Security and Intelligence, as also subjects such as Centre-State relations, judicial reforms etc., which are already being examined by other bodies. The Commission was, however, free to take the problems of these sectors into account in recommending re-organisation of the machinery of the Government or of any of its service agencies.

In all, the commission submitted 15 reports to the Government. They are mentioned below in the order of submission:

1. Right to Information: Master Key to Good Governance (2006)
2. Unlocking Human Capital: Entitlements and Governance – a Case Study (2006)
3. Crisis Management: From Despair to Hope (2006)
4. Ethics in Governance (2007)
5. Public Order: Justice for Each ... Peace for All (2007)
6. Local Governance: An Inspiring Journey into the Future (2007)
7. Capacity Building for Conflict Resolution: Friction to Fusion (2008)
8. Combating Terrorism: Protecting by Righteousness (2008)
9. Social Capital: A Shared Destiny (2008)
10. Refurbishing of Personnel Administration: Scaling New Heights (2008)
11. Promoting e-Governance: The SMART Way Forward (2009)
12. Citizen Centric Administration: The Heart of Governance (2009)
13. Organisational Structure of Government of India (2009)
14. Strengthening Financial Management Systems (2009)
15. State and District Administration (2009)

RECOMMENDATIONS OF THE COMMISSION

I. On Right to Information

1. The Commission has recommended that the Official Secrets Act, 1923, be repealed saying it is incongruous with the regime of transparency in a democratic society. It stated that the safeguards for state security should be incorporated in the National Security Act.
2. Total reorganisation of public records for effective implementation of the Right to Information (RTI) Act. An office should be set up in each state as a repository of expertise, to monitor all records. One per cent of the funds for all flagship government programmes should be earmarked for five years for updating records and building infrastructure.
3. At least half the members of the Information Commission (IC) should be drawn from a non-civil service background. Thus, the members will represent variety and experience in society.
4. The IC should be entrusted with monitoring implementation of the RTI Act in all public authorities. For this purpose, clear guidelines should be evolved to determine which non-government organisations came under the Act.
5. Most requests for information are for redressal of grievances. The states may be advised to establish independent public authorities to deal with complaints of delay, harassment and corruption.
6. A roadmap should be chalked out for effective implementation of the Right to Information Act in the legislature and the judiciary at all levels.
7. Files and notings per se are not confidential and should not be inaccessible to the public

unless exempted under the Right to Information Act.

8. Para 118(1) of the Manual of Office Procedure should be deleted as it is totally violative of the RTI Act. The rulebook currently deems file notings to be confidential for the eyes of those within the secretariat.
9. The provisions regarding unauthorised communication of official information and confidential character of notes/files will have to be amended.
10. Every government servant should make available to the public or any organisation full and accurate information which can be disclosed under the RTI Act.

II. On Public Order

1. The Commission has recommended repeal of the controversial Armed Forces Special Powers Act (AFSPA), 1958, stating that its scrapping would remove the feeling of discrimination and alienation among the people of the northeastern States. To provide for an enabling legislation for deployment of armed forces of the Union in the NE States, the Unlawful Activities (Prevention) Act, 1967, should be amended by inserting a new chapter.
2. It favoured a new doctrine of policing and criminal justice embedded in an inclusive approach to governance.
3. On another controversial issue of deployment of Central forces in States, the Commission recommended enactment of a law to empower the Union Government to deploy its forces and to even give them directions in case of major public order problems which may lead to a breakdown of the constitutional machinery in a State. However, such deployment should take place only after the State concerned fails to act on a direction issued by the Union under Article 256. All such deployments should be only for a temporary period not exceeding three months which could be extended by another three months after authorisation by Parliament.
4. Favouring separation of crime investigation from other police functions, the Commission recommended that a Crime Investigation Agency be constituted in each State. A State Police Performance and Accountability Commission should be constituted to provide the required autonomy to the police.
5. The tenure of the Chief of the Law and Order Police as well as the Chief of the Crime Investigation Agency should be at least three years.
6. On representation of women and under represented sections of society in the police, it said that affirmative actions should take care of this aspect but favoured 33 per cent representation of women in the police force.
7. Organisations and persons found guilty of instigating violence should be liable to pay exemplary damages. The damages should be commensurate with the loss caused by such violence.
8. All public agencies should adopt a zero tolerance strategy towards crime to create a climate of compliance of laws leading to maintenance of public order.
9. Dwelling on reforms in the criminal justice system, it favoured a system of introduction of local courts, preferably one court for a population of 25,000 in rural areas.
10. The Commission recommended bringing investigation of certain crimes with inter-state and national ramifications directly under the jurisdiction of CBI. These offences include terrorism,

organised crimes, acts threatening national security, sedition, arms and human trafficking, assassination of major public figures and serious economic offences.

11. No sanction of the Centre or State should be necessary for prosecution under Section 153(A). Section 196 of Cr. PC should be amended accordingly.

III. On Ethics in Governance

1. The Commission has called for providing in the Constitution a national ombudsman, Rashtriya Lokayukta, which will cover all the union ministers and chief ministers, MPs and others but will not cover the PM's office.
2. In the electoral and political spheres, it suggested partial state funding of elections, tightening of anti-defection law, a collegium for appointment of Chief Election Commissioner and other Commissioners, code of ethics for ministers and a law to define "office of profit".
3. It recommended abolition of schemes under which MPs and MLAs are allocated funds for their local area development.
4. It proposed the establishment of National Judicial Council that will decide on appointment of judges by a collegium consisting of representatives from executive, legislature and judiciary.
5. It suggested a collegium headed by the PM and comprising of the Lok Sabha Speaker and the Opposition leader, among others, for appointment of the CEC and ECs.

IV. On Local Governance

1. The commission has recommended promotion of local democracy, which is much more than decentralisation and which seeks to build up local bodies as self-governing institutions.
2. It recommended that the government place before Parliament a framework law for local bodies on the lines of the South African Act for laying down the broad principles of devolution of power, responsibilities and functions to the local bodies.
3. At the district level, a third tier of democratic government is proposed to replace the present system, which is a colonial legacy. In its place a district council, representing both urban and rural areas, should be constituted and the District Collector should work as the chief secretary of the council while reporting to the state government for regulatory functions. This will ensure convergence of planning and developmental activities for rural and urban areas.
4. Parliament to make provision for constitution of a legislative council in each state. It would comprise members elected by the local bodies in order to strengthen the voice of local bodies.
5. To reform the electoral process, the task of delimitation and reservation of constituencies should be entrusted to the State Election Commission.
6. To strengthen local bodies' finances, it recommended that a State Finance Commission be constituted in such a manner that it can take into account the recommendations of Central Finance Commission.
7. It recommended that local bodies take total responsibility for the functions entrusted to them under the Constitution and bodies such as electricity boards and water authorities made responsible to them. For ensuring accountability and transparency in the functioning of local

bodies, it was suggested that a local body ombudsman be constituted to look into complaints of corruption and maladministration.

8. To suggest steps to deal with rapid urbanisation, it recommended the setting up of a national commission of urbanisation. It also favoured direct election of Mayors by popular mandate.
9. It recommended abolition of octroi and suggested that the government evolve mechanisms to compensate local governments for revenue loss.
10. To tackle the problem of urban transport, particularly in larger cities, it suggested that a unified metropolitan transport authority be set up in all one-million plus population cities for coordinated planning.

V. On Combating Terrorism

1. The Commission favoured enactment of a comprehensive and effective legal framework to deal with all aspects of terror and a federal agency to investigate terrorist offences.
2. It said that dealing with terrorism would require a multi-pronged, comprehensive strategy in which different stakeholders—the government, political parties, security agencies, civil society and media—would have an important role to play.
3. Favouring a separate, comprehensive law to deal with terrorism, it said though after the repeal of POTA a number of provisions had been incorporated in the Unlawful Activities Prevention Act, the legal provisions to deal with terrorism could be incorporated in a separate chapter in the National Security Act, 1980. It said a strong anti-terror law with equally strong safeguards to prevent its misuse is needed.
4. To choke funds of terrorists, it recommended that a specialised cell be created in the proposed National Counter-terrorism Centre for taking concerted action on the financial leads gathered by various sources.
5. It favoured video recording of statements made as confessions before the police. For this, necessary amendments in the Indian Evidence Act should be made.

VI. On Refurbishing of Personnel Administration

1. The Government of India should establish National Institutes of Public Administration to run Bachelor's Degree courses in public administration/governance/management. The selected universities should also be assisted to offer such graduate level programmes in public administration/governance/public management. These graduates from the National Institutes of Public Administration and selected universities would be eligible for appearing in the Civil Services Examination. Further, other graduates would also be eligible to appear in the Civil Services Examination provided they complete a 'Bridge Course' in the core subjects. The Bridge Course should be run by the same national institutes/universities.
2. The permissible age for appearing in the Civil Services Examination should be 21 to 25 years for general candidates, 21 to 28 years for candidates from OBC and 21 to 29 years for candidates from SC/ST as also for those who are physically challenged.
3. The number of permissible attempts in the Civil Services Examination should be 3, 5, 6 and 6 respectively for general candidates, candidates from OBC, candidates from SC/ST and

physically challenged candidates respectively.

4. The Preliminary Examination should consist of an objective type test having one or two papers on general studies including the Constitution of India, the Indian legal system, Indian economy, polity, history and culture. There should be no optional subjects.
5. The Main Examination should consist of two papers only in the compulsory subjects. These compulsory subjects may include Constitution of India, Indian legal system, Indian economy, polity, history and culture etc. The question papers should be of the conventional descriptive type. Besides, there should be a separate essay paper as a part of the Main Examination.
6. The induction of officers of the State Civil Services into the IAS should be done by the UPSC on the basis of a common examination.
7. Every government servant should undergo a mandatory training at the induction stage and also periodically during his/her career. Successful completion of these training programmes should be a minimum necessary condition for confirmation in service and subsequent promotions. Mandatory induction training programmes should be prescribed for Group D staff also before they are assigned postings.
8. A national institute of good governance may be set up by upgrading one of the existing national/state institutes. This institute would identify, document, and disseminate best practices and also conduct training programmes.
9. For making appraisal more consultative and transparent, the performance appraisal systems for all Services should be modified on the lines of the recently introduced Performance Appraisal Rules (PAR) for the All India Services.
10. The Government should expand the scope of the present performance appraisal system of its employees to a comprehensive performance management system (PMS).
11. Annual performance agreements should be signed between the departmental minister and the Secretary of the ministry/heads of departments, providing physical and verifiable details of the work to be done during a financial year. The actual performance should be assessed by a third party.
12. For a transparent system of appointments in the government, covering all ranks, the Commission has suggested the setting up of a Central Civil Services Authority. The Authority should be a five-member body with the Chairperson appointed by the President on the recommendations of the Prime Minister and the Leader of the Opposition to make it totally apolitical.
13. The Commission is of the view that in order to avoid any conflict of interest, government officials should not be allowed to go on deputation to private commercial organizations.
14. In order to increase accountability, the Commission suggested a periodic review of the performance for which it recommended a system of two intensive reviews — one on completion of 14 years of service and the other on completion of 20 years. The first review will primarily serve the purpose of intimating individual about his/her performance and the second is mainly to assess the fitness of the officer for his/her future continuation in service. The employees found unfit after 20 years should be dispensed with.

The Committee on Civil Service Reforms was constituted by the Government of India (Cabinet Secretariat) in February 2004 under the Chairmanship of P.C. Hota, former UPSC Chairman and former Union Personnel Secretary. Its mandate was to examine the whole gamut of civil service reforms covering the All India Services and the organised Group 'A' Central Services. It submitted its report in July 2004.

TERMS OF REFERENCE OF THE COMMITTEE

The Committee was asked to give specific recommendations on the following:

1. Making the Civil Service (i) responsive and citizen-friendly; (ii) transparent; (iii) accountable; and (iv) ethical, in its (a) actions and (b) interface with the people.
2. Making the Civil Service e-governance friendly.
3. Putting a premium on intellectual growth of civil servants and on upgrading their domain knowledge.
4. Protecting the Civil Service against wrongful pressure exerted by (a) administrative superiors; (b) political executive; (c) business interests; and (d) other vested interests.
5. Changes, if any necessary, in the various All India Services Rules and Central Civil Service Rules to provide a statutory cover to the proposed civil service reforms.
6. Changes in rules governing the disciplinary proceedings against civil servants to decentralize the process as far as practicable, and to make the disposal of such proceedings time-bound.
7. Any other matter that the Committee may consider relevant to the subject of civil service reforms.

RECOMMENDATIONS OF THE COMMITTEE

To ensure good governance *inter alia*, civil servants be appointed to posts on the basis of objective criteria, be assured of minimum tenures and be held accountable for performance. If civil servants are given tenures and targets and the political executive respects neutrality, integrity and hierarchy of the service, the civil service can be expected to play its proper role in our parliamentary democracy.

I. On Making the Civil Service Responsive, Transparent,

Accountable and Ethical_

1. To mould young entrants for the higher civil service through training, government may go back to the period from 1948 till 1971 when the age of eligibility was 21–24 years for general candidates (as against 21–30 years for general candidates at present) with five years age concession for members of the Scheduled Castes/Scheduled Tribes. Age concession for candidates of the Other Backward Classes may be three years as at present.
2. As no competitive examination will be proof against selection of a few unsuitable candidates, Directors of Training Academies may invoke the Probation Rules to weed out unsuitable officer-trainees.
3. Officers must have Annual Performance Plans. Invariably an Annual Performance Plan will be a component of the Action Plan/Vision Statement of the Department/Ministry and its strategic long-term plan. Wherever possible, performance targets must be quantified. If it is not possible to quantify the targets, some other mode of target setting be done to ensure that an officer is held strictly accountable for performance.
4. After 15 years of service, a rigorous review be carried out of performance of civil servants based on the earlier *quinquennial* review of performance. If an officer is not honest and performance-oriented, he be weeded out of service on completion of 15 years on proportionate pension. An officer should also have the option to retire on proportionate pension after 15 years of service. A similar review be carried out subsequently at periodic intervals to determine if performance level of an officer has fallen sharply/if there are allegations against an officer's integrity.
5. Each Department/Ministry should be required to identify the points of citizen interface, benchmark the quality of services and strengthen the existing grievance redressal mechanism.
6. Officers of the higher Civil Service must supervise work of junior functionaries by regular visits and inspections. All officers of the higher Civil Service must put on the website/print media their contact telephone numbers during office hours. Every Ministry/Department/Office having large public interface must have a few toll free telephone numbers with voice mail facility.
7. Junior officers at the cutting edge level of administration should be given training in customer service, attending to phone calls and resolving public grievances.
8. Rules under the Freedom of Information Act 2002 be notified immediately. The implementation of the Act be reviewed after three/four years by an independent Task Force.
9. The Official Secrets Act be modified to cover only the essential minimum requirements of national security, public order and individual privacy.
10. All officers having a public interface to wear name badges while on duty.
11. The duties, functions and responsibilities of all senior posts be laid down and publicized.
12. After every five to seven years in service, a civil servant should spend at least two months with a non-government organisation, academic institution or the private sector.
13. ISO 9000 be introduced for government offices.
14. A full time officer should be posted in the Information and Facilitation Centre and each department should attend to public grievances.

15. Annual Property Return of all public servants be put on the website.
16. Rules be framed under the Benami Transactions (Prohibition) Act 1988 for attachment/forefeiture of benami/ill-gotten property of corrupt public servants.
17. Article 311 of the Constitution be amended to enable President/Governor to dismiss/remove public servants summarily in case of corrupt practice/having assets disproportionate to known source of income. The officer concerned may be given post-decisional hearing to prove his innocence. To ensure natural justice, such post-decisional hearing has been held to be constitutionally valid by the Supreme Court of India.
18. Under the overall control of the Central Vigilance Commission, committees of experts be set up in various departments to scrutinise cases of officers before initiating departmental action for corrupt practices/launching prosecution against them under the Prevention of Corruption Act 1988. Such a reform will encourage honest officers to take bold commercial decisions in the public interest without the lurking fear of a vigilance/CBI inquiry.
19. Section 13 (1) (d) (iii) of the Prevention of Corruption Act 1988 be amended so that civil servants are not incriminated for taking *bona fide* commercial decisions in the public interest.
20. Every programme of government should specify the deliverables in terms of services. Functioning of government offices having large interface with the common man should be assessed once in three/four years by independent organisations.
21. Citizen Centres should be set up to build capability for analysing and suggesting changes in government policies. The civil service training institutes should perform the nodal role in this behalf.
22. Each department of the Government should develop an internal evaluation mechanism on the basis of clearly laid down parameters. The result of such evaluation should be part of the Annual Administration Report. Departments should be held accountable for outcomes and there should be a sharp focus on service delivery.
23. A State of Governance Report should be brought out evaluating the performance of each state on the basis of a set of parameters of good governance.

II. On Making the Civil Service e-Governance Friendly

24. Points of public interface in government should be identified for focused attention and improvement. Within a period of two years the procedures in the areas of public interface should be simplified and electronic service delivery for the common people be introduced. Each Department/Ministry may lay down a time schedule to extend service delivery through electronic means.
25. To provide a clean, honest, and transparent government, antiquated rules and procedures in Government must be discarded and new simplified ones be put in place. Such an exercise is absolutely essential for introduction of e-governance.
26. e-Governance can augment efficiency and ensure transparency in government. The Andhra Pradesh experiment of identifying officers as Chief Information Officers to be trained in the Indian Institute of Management, Ahmedabad, in e-Governance is a noteworthy initiative.

New entrants to the Civil Service have adequate hands—on experience with computers and the internet and they could be sent periodically for further training in application of e-Governance.

27. Each department should identify skill gaps keeping in view its functions and take steps to train the required number of people.
28. The National Informatics Centre (NIC) should function as a vehicle for disseminating best practices across the country.
29. Officers posted as Chief Executive of e-governance projects should be given reasonable tenure and held accountable for results.
30. The administrative and financial flexibility required for introducing innovative e-governance measures should be identified and operationalised.
31. The Minimum Agenda for e-Governance should be carried forward and each department is required to identify specific activities which will be e-enabled in the next 12 months.
32. Departmental examination should include a practical test on the ability to use and apply computers.
33. Each Department/Ministry should have its own web site of basic information relating to the Department/Ministry and the web site be available for registering public grievances.

III. On Putting a Premium on Intellectual Growth and Upgrading Domain Knowledge

34. Each Department/Ministry should undertake a review of the particular service of which it is the Cadre Controlling Authority to ensure that officers of the service are used optimally, promotion prospects for them are adequate and skill levels of officers are upgraded periodically. Each Department/Ministry should undertake a skill needs assessment to identify required skills and upgrade skill levels.
35. Civil servants should be encouraged to move laterally to non-government organisations.
36. Government should actively support and encourage outstanding work done by civil servants through National/State awards and commendations.
37. The initiative taken by the Department of Personnel and Training to provide funds to the Indian Institute of Management, Bangalore, to develop a two-year course for officers of the IAS at mid-career level is a worthwhile experiment. Similar training programmes be devised for the Indian Police Service, the Indian Forest Service and other Central Services.

IV. On Protecting the Civil Service against Wrongful Pressure and Changes in All India Service Rules and Central Civil Service Rules

38. In the proposed Civil Service law, the highest political executive shall continue to be the final authority to order transfer of any officer before his tenure is over; but he will be expected to give due consideration to Report of the Administrative Inquiry/views of the

Civil Service Board/ Establishment Board and record reasons on the need for premature transfer of an officer. It is reiterated that the political executive shall have the final authority to transfer an officer at any stage in the public interest. An officer aggrieved by order of premature transfer can agitate the matter before a three-member Ombudsman, who may, where suitable, award monetary compensation to the aggrieved officer. The constitution of the Ombudsman will be the same as the Ombudsman proposed for the Disputes Redressal Council in this Report. The President/Governor shall receive reports from the Ombudsman and shall lay an Annual Report on such transfers on the table of the Legislature. There should be a suitable provision in the law to enable states to adopt it and make it applicable in the states without going through the long process of drafting a law and get it passed in the Legislature.

39. The proposed comprehensive law on the Civil Service shall incorporate, *inter alia*, a Code of Ethics and a statutory minimum tenure in a post to an officer. Under the proposed law, if an officer is sought to be transferred before his tenure, there would be an expeditious administrative inquiry by a designated senior officer to be earmarked for this purpose. This can be dispensed with if the transfer is on promotion/deputation/foreign training. In all other cases, the Report of Inquiry with the views of the Civil Service Board/Establishment Board would be put up to the Chief Minister if officers of the All India Service/other civil services work in the states, or the Appointments Committee of the Cabinet if the officers work under the Central Staffing Scheme. For the officers of the other Central Services working in Ministries/Departments but not under the Central Staffing Scheme, the new law will prescribe a tenure with a provision for administrative inquiry before an officer is sought to be transferred except on specified grounds.
40. The recommendations of the Surinder Nath Committee (July 2003) for increasing the domain knowledge of IAS officers be implemented. Similar exercise be undertaken to increase domain knowledge of officers of the other two All India Services and officers of the Central Services.
41. Officers of the All-India Service on deputation to their home State must invariably report back to their parent cadres on expiry of their periods of deputation. Only one term of deputation for an officer of the All India Service be allowed to the home state and that too to attend to urgent personal problem. The exemption at present available for officers of the North-East/Jammu & Kashmir cadres in matters of deputation may continue. Any violation of this stipulation will attract a major penalty proceeding and also be taken into account while considering the officer's empanelment/promotion. Such a stipulation would also be applicable to officers of the Central Service who go on deputation to different state governments and to officers who go on deputation to international agencies/foreign governments.
42. Introduction of sophisticated technology alone would not make the administration people-friendly unless higher civil servants have a pro-active attitude and reach out to the common people. They must spend much more time in field visits, inspections, tours and night halts in remote and rural areas.
43. As officers of State Services appointed to All India Services by promotion also have to play leadership roles, they should face an Interview by the Selection Board. The Interview will not be a test of knowledge but will be only a test of leadership qualities. The selection

for promotion to All India Service will be made on an overall assessment of suitability of officers on basis of record of service and the Interview Test.

44. Not more than 50 per cent of the officers in a batch should make it to the Senior Administrative Grade. 30 per cent should be the upper limit for Higher Administrative Grade and 20 per cent for the highest grade of Secretaries to Government of India.
45. As there are large number of senior officers of the All India Service in different cadres, in selected districts, senior officers of the rank of Commissioners/Deputy Inspector Generals of Police/Conservators of Forests may be considered for posting as District Magistrates/Senior Superintendents of Police/Divisional Forest Officers. The practice of posting very senior/Commissioner level officers in districts was prevalent before Independence and even for a few years after Independence. It is still prevalent in some states.
46. If the Establishment Board, after giving the views of the Minister in charge, who is a Member of the ACC, its utmost consideration, fails to change its original recommendation regarding the posting of an officer under the Central Staffing Scheme, the Cabinet Secretary may send the proposals of the Board with observations of the Minister in charge through the Home Minister, who is a Member of the ACC, to the Prime Minister, who heads the ACC for a final decision.
47. Steps be taken to reduce the number of officers who are empanelled for senior posts under the Central Staffing Scheme.
48. A member of the higher Civil Service would be debarred from being appointed as a Private Secretary or Officer on Special Duty to a Cabinet Minister/Minister of State in Government of India or in a state subject to certain stipulations. Ministers may have one of the officers of the civil service in their Department/Ministry to function as Private Secretary for a continuous period of two years only. The stipulation that no officer of a Civil Service can be Private Secretary of a Minister in the States or in the Central Government for more than two years may provide for an exception in case of the Prime Minister and the Chief Ministers.
49. Members of the All India Services and the Central Services, who are regular recruits through competitive examinations and who are unable to get promoted to the higher levels in their respective service due to non-availability of posts, may be allowed the next higher grade as personal to them a year before retirement on superannuation. Such upgradation shall be available only to officers with proven record of efficiency and integrity.
50. Suspension from service of All India Service Officers by the state government will be invalid if not confirmed by the Government of India within a period of 60 days.
51. Under the new Civil Service law, a member of the higher civil service should not be appointed to any statutory commission or a constitutional authority after his retirement on superannuation. To insulate him from the temptation of post-retirement assignment, he should be appointed to such statutory bodies/Constitutional Authority only when he is not over 55 years of age so that he can demit office from these Commissions and Authorities after serving for five to six years.
52. There is a case for better compensation package for members of the higher civil service. Such compensation must bear a reasonable comparison with compensation for executives in

the private sector. Issues related to a better package of compensation to the higher Civil Services may be referred to the next Central Pay Commission.

53. There should be a cooling off period of at least two years after resignation/retirement before a civil servant can join a political party and contest elections to any political office. No civil servant can be appointed to the high constitutional office of Governor of a state unless a period of two years elapses between his resignation/ retirement and his appointment as a Governor.
54. The recommendations of the National Police Commission relating to tenure of senior police officers, independent review of the work of police departments and streamlining the powers of arrest should be implemented. The recommendations of the Malimath Committee on criminal justice system be also implemented.
55. The procedure for reimbursement of medical expenses of civil servants should be simplified so that quality medical services are available from recognised private hospitals without having to report to the CGHS on each occasion of ailment. The facilities available at the CGHS hospitals also need to be strengthened.
56. To increase the representation of women in the civil service, it is proposed that within 15 years, at least 25 per cent members of the higher civil service should be women as against 12 to 13 per cent women at present. Women in the higher civil service be given four years of leave with full pay in their entire service career over and above the leave due to them under the normal leave rules. Such facility will enable them to balance their roles as officers with their roles as mothers/housewives.

V. On Changes in Rules Governing the Disciplinary Proceedings

57. To eliminate delay in disposal of a disciplinary inquiry, the Union Public Service Commission need not be consulted in case of a civil servant facing charges of corrupt practice and whose case has been referred to the Central Vigilance Commission for the first stage/second stage advice. If however the officer is penalized in the inquiry and prefers an appeal, the case may be referred to the UPSC for advice on the appeal petition.
58. Where minor disciplinary proceedings are sufficient to meet the end of justice, major penalty proceedings which are lengthy and time-consuming should not be initiated.
59. An Inquiry Officer should be relieved from his normal duties for a sufficient period to enable him to complete the departmental inquiry expeditiously and submit the report.
60. A database on disciplinary cases should be maintained to keep track of their progress.

VI. On Other Matters Related to Civil Service Reforms

61. An Employees Health Insurance Scheme on the pattern of defence forces should be introduced for the civil service.
62. A high level Selection Committee having a representation of the Chairman, Union Public Service Commission, be established to prepare a panel of two names for appointment of one of them as a member of the State Public Service Commission by the Governor of a State. Similar High Level Selection Committee be constituted to recommend a panel of two

names for appointment of one of them as a Member of the Union Public Service Commission by the President. Similar Committees be constituted to recommend panel of suitable names for other high level statutory and constitutional appointments such as Securities and Exchange Board of India, Telecom Regulatory Authority of India, Insurance Regulatory Authority, the Election Commission, the Comptroller & Auditor General to which retired civil servants are usually appointed.

63. To minimise litigation on service matters, in every Department/Ministry there would be a Dispute Resolution Council (DRC) comprising a retired official as chairman and two serving officers as members. The decision of the DRC shall be invariably implemented. In case of disagreement, orders of Core Group of Secretaries/Cabinet Secretary be obtained before DRC's report is acted upon. Similar Dispute Redressal Councils be set up by State Governments.
64. To ensure that the issues relating to the civil service get focussed attention at the highest political level, the Empowered Sub-Committee on Governance of the National Development Council should go into the policy issues of the civil service and make suitable recommendations.

The Government of India (Ministry of Home Affairs), having visualised the long-felt need to replace the 145-year-old Police Act of 1861, set up a Committee in September 2005, under the Chairmanship of Dr. Soli J. Sorabjee, former Attorney-General of India, to draft a new Police Act that could meet, *inter alia*, the growing challenges to policing and to fulfill the democratic aspirations of the people. The Committee, known as the Police Act Drafting Committee (PADC), submitted its report in October, 2006.

TERMS OF REFERENCE OF THE COMMITTEE

1. The Committee was tasked to draft a new Police Act in view of the changing role/responsibility of the police and the challenges before it, especially on account of the growth and spread of insurgency/militancy/naxalism, etc.
2. The new Act was to include measures for attitudinal changes among the police force, as well as changes in their working methodology to elicit cooperation and assistance of the community rather than its distrust.
3. The new Police Act was to reflect the expectations of the people regarding the police in a modern democratic society.
4. The use of scientific investigation methods to strengthen the criminal justice system, enabling the police to tackle futuristic trends and organised crime, including cyber crime and technological equipments in the hands of the criminals etc., had to be properly incorporated in the new Act.
5. The concern for human rights, weaker sections, women and the people belonging to Scheduled Castes/Scheduled Tribes had to be addressed.

FEATURES OF THE MODEL POLICE ACT

The proposed Model Police Act has 16 chapters, consisting, in all, 221 sections. In drafting the Act, the Committee was guided by the need to have a professional police 'service' in a democratic society, which is efficient, effective, responsive to the needs of the people and accountable to the Rule of Law. The Act provides for social responsibilities of the police and emphasises that the police will be governed by the principles of impartiality and human rights norms, with special attention to protection of weaker sections including minorities. It also contains a provision that the composition

of the police will reflect social diversity. The other salient features of the Act are mentioned below:

I. Functional Autonomy

While recognising that the police is an agency of the state and therefore accountable to the elected political executive, the Committee has specifically outlined the role of superintendence of the state government over the police. The Model Police Act creates the following mechanisms and processes which will help the police perform its functions more efficiently as also enhance its credibility in the eyes of the public:

1. Creation of a State Police Board: This body, under the chairmanship of the State Home Minister and comprising the Leader of Opposition in the State Assembly, the Chief Secretary, the Home Secretary and the Director General of Police, besides a few independent non-government members, shall lay down the policy guidelines for efficient policing and identify performance indicators to evaluate the functioning of the police service.

2. Merit-based Selection and Appointment of the Director General of Police: To ensure a leader who can function with professional efficiency and a temporal perspective, without fear or favour, the Model Act mandates selection of the Director General of Police from among three senior-most officers of the state police, empanelled for the rank against prescribed criteria. Recognising that the Head of the Police must enjoy the confidence of the political executive, the Act provides for the state government to appoint any of the three such officers as the Director General of Police.

3. Security of Tenure: Cognisant of the fact that frequent transfers of officers seriously impede professional efficiency in police functioning, the Model Act mandates a minimum tenure of two years for the Director General of Police and other key functionaries such as the District Superintendent of Police and the Station House Officer. Indeed, the security of tenure does not preclude the removal of an officer for misconduct or inefficiency; it merely ensures that removal is consequent upon specified grounds laid down in law.

4. Police Establishment Committee: This is a departmental body comprising the Head of the Police and other senior officers, being created at the state as well as district levels, to consider transfers and postings of police officers at different levels on the basis of collective wisdom and experience, and to look into complaints of police officers against any illegal orders.

II. Encouraging Professionalism

To ensure an efficient, responsive and professional police service, the Model Act introduces the concept of preparing plans that lay down the policing objectives to be achieved in a given period, and provides mechanisms to streamline criminal investigation and training processes for police officers.

1. Earmarking Dedicated Staff for Crime Investigation: To streamline criminal investigations, the Act mandates earmarking of staff in each police station, specifically for investigating heinous and other specified offences, who shall be trained in scientific and other methods of investigation.

2. Civil Police Officer: Keeping in view the fact that the civil police—as against the armed wing of the police—needs better-educated personnel to exercise discretionary powers in dealing with people

and investigating cases, the Act stipulates that the rank of constabulary be done away within the Civil Police. Now the primary rank in the civil police is the Civil Police Officer, Grade II. Those recruited to this rank shall be trained for three years as stipendiary cadets, and only upon passing prescribed bachelor's degree examination in Police Studies would they be appointed as Civil Police Officers.

III. Accountability Paramount

Realising that what matters most to the people is accountability of the police, the Act prioritises police accountability, both for their performance and their conduct.

1. Performance Evaluation: The Act provides detailed mechanism involving the State Police Board, assisted by an Inspectorate of Performance Evaluation, to evaluate the police service at the state, district and police station levels. The police shall be evaluated against identified performance indicators (including operational efficiency, public and victim satisfaction, accountability, optimum utilisation of resources, and observance of human rights standards), the targets let out in the Annual Plan, and the resources available with the police.

2. Police Accountability Commission and District Accountability Authorities: The Act creates independent civilian oversight agencies chaired by retired judges at the state and district level to inquire into public complaints against the police for serious misconduct and to generally monitor internal departmental inquiries in other cases of misconduct.

3. Offences by the Police: The Act introduces criminal penalties for the common defaults committed by the police including non-registration of FIRs, unlawful arrest, detention, search, or seizure to bring into sharp focus for the police personnel that some of their practices are not only illegal, but also criminal offences under the law of the land.

IV. Improved Service Conditions

The Act aims to provide better service conditions to the police personnel including rationalising their working hours, one day off in each week, or compensatory benefits in lieu. It creates a Police Welfare Bureau to take care, *inter alia*, of health care, housing, and legal facilities for police personnel as well as financial security for the next of kin of those who lose their lives in service. It further mandates the government to provide insurance cover to all officers, and special allowances to officers posted in special wings, commensurate with the risk involved.

V. Role in Protecting Internal Security in Light of New Threats

The Act deals with police preparedness to manage threats to internal security from activities of terrorists, militants, insurgents and organised crime groups. The police are not granted any special powers in the Act to deal with these threats; rather the Act provides for systematic preparation and meticulous compliance of Internal Security Schemes and Standard Operation Procedures to handle the threats as well as creation of Special Security Zones within a state and where need arises, in contiguous areas of neighbouring states, that facilitate different police structure and command, control and response system, and cooperation between different agencies of the state(s).

The Sixth Central Pay Commission was appointed by the Government of India in October 2006 under the Chairmanship of Justice B.N. Srikrishna. It submitted its report covering all the aspects of its mandate in March 2008.

TERMS OF REFERENCE OF THE COMMISSION

1. To examine the principles, the date of effect thereof that should govern the structure of pay, allowances and other facilities/benefits whether in cash or in kind to the following categories of employees:
 - i. Central government employees—industrial and non-industrial.
 - ii. Personnel belonging to the All India Services.
 - iii. Personnel belonging to the Armed Forces.
 - iv. Personnel to the Union Territories.
 - v. Officers and employees of the Indian Audit and Accounts Department.
 - vi. Members of the regulatory bodies (excluding the RBI) set up under Acts of Parliament.
 - vii. Officers and employees of Supreme Court of India.
2. To transform the Central Government Organisations into modern, professional and citizen-friendly entities that are dedicated to the service of the people.
3. To work out a comprehensive pay package for the categories of Central Government employees mentioned at (1) above that is suitably linked to promoting efficiency, productivity and economy through rationalisation of structures, organisations, systems and processes within the government, with a view leveraging economy, accountability, responsibility, transparency, assimilation of technology and discipline.
4. To harmonise the functioning of the Central Government Organisations with the demands of the emerging global economic scenario. This would also take in account, among other relevant factors, the totality of benefits available to the employees, need of rationalisation and simplification, thereof, the prevailing pay structure and retirement benefits available under the Central Public Sector Undertakings, the economic conditions in the country, the need to observe fiscal prudence in the management of the economy, the resources of the Central Government and the demands thereon on account of economic and social development, defence, national security and the global economic scenario, and the impact upon the finances of the states if the recommendations are adopted by the states.

5. To examine the principles which should govern the structure of pension, death-cum-retirement gratuity, family pension and other terminal or recurring benefits having financial implications to the present and former Central Government employees appointed before January 1, 2004.
6. To make recommendations with respect to the general principles, financial parameters and conditions which should govern payment of bonus and the desirability and feasibility of introducing Productivity Linked Incentive Scheme in place of the existing ad hoc bonus scheme in various departments and to recommend specific formulae for determining the productivity index and other related parameters.
7. To examine desirability and the need to sanction any interim relief till the time the recommendations of the Commission are made and accepted by the government.

RECOMMENDATIONS OF THE COMMISSION

1. Running Pay Bands

Introduction of running pay bands for all posts in the Government presently existing in scales below that of ₹ 26,000 (fixed). Four distinct running pay bands being recommended—one running band each for all categories of employees in groups 'B' and 'C' (posts in the scale of ₹ 5000–8000 have, as a result of delayering and elongation of certain scales, been placed in Group 'B') with 2 running pay bands for Group 'A' posts. All posts presently in Group 'D', after retraining and multiskilling of the present incumbents, to be upgraded and placed in the lowest grade of pay band PB-1. The posts of Secretary to Government of India/equivalent and Cabinet Secretary/equivalent to be kept in distinct pay scales. A separate running pay band, designated as –1S scale, is not to be counted for any purpose as no future recruitment is to be made in this grade and all the present Group 'D' employees not possessing the prescribed qualifications are to be retrained and thereafter upgraded and placed in the Group 'C' running pay band once they are suitably retrained.

2. Minimum and Maximum Salary

Minimum salary at the entry level of PB-1 pay band to be ₹ 6660 (₹ 4860 as pay in the pay band plus ₹ 1800 as grade pay). Maximum salary at the level of Secretary/equivalent to be ₹ 80000. The minimum: maximum ratio 1:12.

3. Grade Pay and Promotions in Running Pay Bands

All the employees belonging to Groups 'A', 'B', 'C', and 'D' to be placed in distinct running pay bands. Every post, barring that of Secretary/equivalent and Cabinet Secretary/equivalent to have a distinct grade pay attached to it. Grade pay (being a fixed amount attached to each post in the hierarchy) to determine the status of a post with (apart from the two apex scales of Secretary/equivalent and Cabinet Secretary/equivalent that do not carry any grade pay) a senior post being given higher grade pay. The total number of grades reduced to 20 spread across four distinct running pay bands; one Apex Scale and another grade for the post of Cabinet Secretary/equivalent as against 35 standard pay scales existing earlier. At the time of promotion from one post to another in

the same running pay band, the grade pay attached to posts in different levels within the same running pay band to change. Additionally, increase in form of one increment to be given at the time of promotion. A person stagnating at the maximum of any pay band for more than one year continuously to be placed in the immediate next higher pay band without any change in the grade pay.

4. Scheme of Revised Pay Bands

The following scheme of revised pay bands is being recommended:

Table A5.1 Scheme of Revised Pay Bands

(in ₹)				
<i>Pay Scale</i>	<i>Pre-Revised</i>		<i>Revised</i>	
	<i>Pay Scale</i>	<i>Pay Band</i>	<i>Corresponding Pay Bands</i>	<i>Grade Pay</i>
S-1*	2550-55-2660-60-3200	-1S	4440-7440	1300
S-2*	2610-60-3150-65-3540	-1S	4440-7440	1400
S-2A*	2610-60-2910-65-3300-70-4000	-1S	4440-7440	1600
S-3*	2650-65-3300-70-4000	-1S	4440-7440	1650
S-4	2750-70-3800-75-4400	PB-1	4860-20200	1800
S-5	3050-75-3950-80-4590	PB-1	4860-20200	1900
S-6	3200-85-4900	PB-1	4860-20200	2000
S-7	4000-100-6000	PB-1	4860-20200	2400
S-8	4500-125-7000	PB-1	4860-20200	2800
S-9	5000-150-8000	PB-2	8700-34800	4200
S-10	5500-175-9000	PB-2	8700-34800	4200
S-11	6500-200-6900	PB-2	8700-34800	4200
S-12	6500-200-10500	PB-2	8700-34800	4200
S-13	7450-225-11500	PB-2	8700-34800	4600
S-14	7500-250-12000	PB-2	8700-34800	4800
S-15	8000-275-13500	PB-2	8700-34800	5400
New Scale	8000-275-13500 (Group A Entry)	PB-3	15600-39100	5400
S-16	9000	PB-3	15600-39100	5400
S-17	9000-275-9550	PB-3	15600-39100	5400
S-18	10325-325-10975	PB-3	15600-39100	6100

S-19	10000-325-15200	PB-3	15600-39100	6100
S-20	10650-325-15850	PB-3	15600-39100	6500
S-21	12000-375-16500	PB-3	15600-39100	6600
S-22	12750-375-16500	PB-3	15600-39100	7500
S-23	12000-375-18000	PB-3	15600-39100	7600
S-24	14300-400-18300	PB-3	15600-39100	7600
S-25	15100-400-18300	PB-3	15600-39100	8300
S-26	16400-450-20000	PB-3	15600-39100	8400
S-27	16400-450-20900	PB-3	15600-39100	8400
S-28	14300-450-22400	PB-4	39200-67000	9000
S-29	18400-500-22400	PB-4	39200-67000	9000
S-30	22400-525-24500	PB-4	39200-67000	11000
S-31	22400-600-26000	PB-4	39200-67000	13000
S-32	24050-650-26000	PB-4	39200-67000	13000
S-33	26000 (Fixed)	Apex Scale	80000 (Fixed)	Nil
S-34	30000 (Fixed)	Cabinet	90000 (Fixed)	Nil

Secretary/Equivalent

* Employees in these scales to be eventually placed in pay band PB-1

5. Annual Increments

Annual increments to be paid in form of two and half per cent of the total of pay in the Pay Band and the corresponding grade pay. The date of annual increments, in all cases, to be first of July. Employees completing six months and above in the scale as on July 1 to be eligible.

6. Variable Increments

Another form of differential increments for Group 'A' Pay Band PB-3, where annual increments in the band will vary depending upon the performance. Eighty per cent or more employees in the grade to be allowed normal increment at the rate of 2.5 per cent with the high performers (not exceeding 20 per cent) during the year being allowed increment at the higher rate of 3.5 per cent. Government advised to extend the scheme of variable increments in running pay bands PB 1 and PB 2.

7. Pay Scales of Defence Forces

Introduction of running pay bands on par with those recommended for civilians in respect of the Defence Forces.

Director-General (Armed Force Medical Services) placed in the Apex grade of ₹ 80,000 (fixed). Only two trade groups to be retained for personnel below Officer Ranks with the earlier trade groups 'Y' and 'Z' being merged. The personnel in trade group 'X' to have a separate 'X' Group Pay.

8. Military Service Pay

Military Service Pay for all personnel of Defence Forces till the level of Brigadier/equivalent. The Military Service Pay to count for all purposes excluding increments.

9. Selection for Higher Posts in Future

Certain posts in Senior Administrative Grade (SAG) and Higher Administrative Grade (HAG) requiring technical or specialised expertise and not encadred in any of the services to be opened up for being filled by suitable officers within the Government as well as by outsiders on contract. Shift from career based to post based selection in the higher echelons of Government in order to get the best domain based expertise.

10. Creation of Posts in SAG & HAG

Creation of additional posts in Senior Administrative Grade/equivalent/higher grades in future to be strictly on functional considerations with such posts invariably being created outside the cadre to be filled by method of open selection.

11. Performance Related Incentive Scheme (PRIS)

Introduction of PRIS in the Government under which employees to be eligible for pecuniary remuneration over and above the pay. PRIS to replace ad-hoc bonus scheme immediately and eventually replace Productivity Linked Bonus (PLB). PRIS to be budget neutral.

12. Special Incentive for Scientists, etc.

System put in place for giving market driven compensation package to young scientists and posts requiring special expertise and professional skills.

13. Ministerial Posts in Field Offices and Secretariat

Parity established between Field and Secretariat Offices. The Secretariat and Stenographers cadres to stand merged in future.

Introduction of a new grade (designated as Principal Staff Officer) in the scale of ₹ 14300–18300 (revised pay band PB-3 along with grade pay of ₹ 7600) for CSSS/all other analogous Stenographers cadres.

All future recruitment to CSS/CSSS/analogous Secretariat and Stenographers cadres in non-participating Ministries/Organisations in the scale of ₹ 6500–10500 to be made as Executive Assistants with minimum qualifications of Graduation and one year Diploma in Computers. Executive Assistants to discharge the functions presently being carried out by Assistants as well as the Personal Assistants. The cadres of CSS/CSSS and analogous cadres in other non-participating Ministries/Organisations to be merged. Present incumbents of CSS/CSSS and analogous cadres in other non-participating Ministries/Organisations to continue as distinct cadres till the time the

Administrative Ministry concerned evolves a procedure for their job enlargement/enrichment, retraining, and redeployment.

14. All India Services and Organised Group 'A' Services

Existing edge for IAS in the three grades viz. Senior Time Scale, Junior Administrative Grade, and Non-Functional Selection Grade to be retained. Grades of DIG and Conservator to be retained in IPS and Indian Forest Service respectively. Posts of Director General in the five Central Para Military Forces i.e., BSF, CRPF, ITBP, CISF, and SSB to be at par and placed in the scale of ₹ 26,000 (fixed) corresponding to the revised pay scale of ₹ 80,000 (fixed). The post of Director, Indira Gandhi National Forest Academy, to be upgraded to the scale of ₹ 26,000 (fixed) corresponding to the revised pay scale of ₹ 80,000 (fixed).

Existing parity between IAS & Indian Foreign Service to be maintained. Modified batch-wise parity proposed between respective batches of IAS and other Organised Group 'A' services for empanelment and/or posting at Centre with the gap being restricted to two years.

Twenty per cent of additional posts in SAG/HAG in all organised Group 'A' services to be operated on non-functional basis provided matching number of posts are decadred for open selection.

Some recommendations relating to individual services like IA&AS, IC&CES, IDAS, IPoS, and IRS.

15. Central Staffing Scheme

Opening up of Central Staffing Scheme. All posts under this scheme as well as SAG/HAG posts not already encadred in any service to be filled by transparent, web-based procedure. Changes recommended in eligibility norms so as to enable officers with domain expertise to apply, irrespective of their service.

16. Dearness Allowance

Base year of the Consumer Price Index (CPI) for computation of dearness allowance to be revised as frequently as feasible. Formulation of a separate CPI for Government employees for computation of dearness allowance suggested. National Statistical Commission to carry out this exercise.

17. Allowances

Existing rates of most of the allowances to be doubled both in case of Defence Forces as well as civilian employees.

Existing rates of HRA to be retained for A-1 cities with A, B-1 & B-2 cities being given this allowance at the rate of 20 per cent and C/Unclassified cities being given the allowance at the rate of 10 per cent.

CCA to be subsumed in Transport Allowance and the rates of this allowance to be increased by four times.

Travel entitlements to be paid on actuals.

Rates of Education allowance reimbursement to be raised from existing ₹ 50 to ₹ 1000 per child

per month, subject to the maximum of two children. Hostel subsidy to be raised from existing ₹ 300 p.m. to ₹ 3000 p.m.

Risk allowance to be replaced by risk insurance.

All the fixed Allowances made inflation proof with provisions of automatic revision whenever dearness allowance payable on revised pay bands goes up by 50 per cent. Transport Allowance to be increased every year on the basis of the increase in the Dearness Allowance.

Encashment of Earned Leave in case of Defence Forces personnel delinked from the number of years of service. All Defence Forces personnel to be eligible for leave encashment of upto 300 days at the time of retirement/discharge.

18. Medical Facilities

A new medical insurance scheme recommended for Government employees. The scheme to be optional for existing Central Government employees and pensioners. New Government employees and pensioners to be compulsorily covered by the scheme.

19. Pension

Fitment formula recommended for serving employees to be extended in case of existing pensioners/family pensioners.

Rates of Constant Attendant Allowance to be increased by five times to ₹ 3000 p.m.

Pension to be paid at 50 per cent of the average emoluments/last pay drawn (whichever is more beneficial) without linking it to 33 years of qualifying service for grant of full pension.

A liberal severance package for employees leaving service between 15 to 20 years of service.

Higher rates of pension for retirees and family pensioners on attaining the age of 80, 85, 90, 95, and 100 years.

In case of Government employees dying in harness, family pension to be paid at enhanced rates for a period of 10 years.

Revision of the commutation table suggested for commutation of pension.

Framing of an appropriate insurance scheme suggested for meeting the OPD needs of pensioners in non-CGHS areas.

20. Advances

A new mechanism for grant of advances under which an employee will take the advance from an approved bank and the Government will give an interest subsidy equal to two percentage points on the rate of interest being charged by the bank to the employee. Existing limits of various advances increased and provisions made for their automatic revision periodically.

21. Public Holidays

Continuation of five-day week. Government offices to remain closed only on the three national holidays. All other gazetted holidays to be abolished and compensated by increasing the number of restricted holidays from two to eight days in a year.

22. Women Employees

Benefits like staggered working hours, special leave for child care, enhanced maternity leave of 180 days, better accommodation facilities in the form of working women's hostels, etc. specifically for women employees.

23. Persons with Disabilities

Government employees with disabilities recommended various benefits like enhanced number of casual leave, special aids and appliances for facilitating office work, higher interest subsidy for automobile loans, liberal flexi hours, higher rate of transport allowance, better prosthetic aids and proper grievance redressal machinery. Extra allowance for disabled women employees to take care of young child till the time the child attains the age of two years.

24. Lateral Entry of Defence Forces Personnel

Lateral movement of all Defence Forces personnel (both Personnel below Officer Ranks & Short Service Commission Officers) at appropriate levels in CPOs/CPMFs as well as in the various posts of defence civilians in Ministry of Defence.

25. Rationalisation of the Existing Processes

Steps leading to improvement in the existing delivery mechanisms by more delegation, delayering and an emphasis to achieve quantifiable and concrete end results.

Greater emphasis on field offices/organisation at the cutting edge of delivery. Parity between posts in field offices and the secretariat.

Enhanced pay scales for Nurses, Teachers and Constabulary with whom the common citizen has most frequent interaction. Postmen have also been upgraded.

Delayering of administrative offices to cut down hierarchical levels.

Emphasis on training academies and training processes within the Government.

26. Regulatory Bodies

Normal replacement pay bands, grade pay and allowances for the existing Members of regulatory bodies. A revised method of selection with a higher pay package to those recruited through the revised processes of selection in selected organisations.

27. Employees and Court Officers of the Supreme Court

No relativity established between employees and court officers of the Supreme Court vis-à-vis those working in the Central Government.

28. Date of Implementation

Implementation of the revised pay scales to be done retrospectively from January 1, 2006.
Recommendations relating to allowances to be implemented prospectively.

The Seventh Central Pay Commission was appointed in February 2014 by the Government of India (Ministry of Finance) under the Chairmanship of Justice Ashok Kumar Mathur. The Commission has been given 18 months to make its recommendations.

The terms of reference of the Commission are as follows:

1. To examine, review, evolve and recommend changes that are desirable and feasible regarding the principles that should govern the emoluments structure including pay, allowances and other facilities/benefits, in cash or kind, having regard to rationalisation and simplification therein as well as the specialised needs of various departments, agencies and services, in respect of the following categories of employees:-
 - (i) Central Government employees—industrial and non-industrial;
 - (ii) Personnel belonging to the All India Services;
 - (iii) Personnel of the Union Territories;
 - (iv) Officers and employees of the Indian Audit and Accounts Department;
 - (v) Members of the regulatory bodies (excluding the RBI) set up under the Acts of Parliament; and
 - (vi) Officers and employees of the Supreme Court.
2. To examine, review, evolve and recommend changes that are desirable and feasible regarding the principles that should govern the emoluments structure, concessions and facilities/benefits, in cash or kind, as well as the retirement benefits of the personnel belonging to the Defence Forces, having regard to the historical and traditional parties, with due emphasis on the aspects unique to these personnel.
3. To work out the framework for an emoluments structure linked with the need to attract the most suitable talent to government service, promote efficiency, accountability and responsibility in the work culture, and foster excellence in the public governance system to respond to the complex challenges of modern administration and the rapid political, social, economic and technological changes, with due regard to expectations of stakeholders, and to recommend appropriate training and capacity building through a competency based framework.
4. To examine the existing schemes of payment of bonus, keeping in view, inter-alia, its bearing upon performance and productivity and make recommendations on the general principles, financial parameters and conditions for an appropriate incentive scheme to reward excellence in productivity, performance and integrity.
5. To review the variety of existing allowances presently available to employees in addition to

pay and suggest their rationalisation and simplification with a view to ensuring that the pay structure is so designed as to take these into account.

6. To examine the principles which should govern the structure of pension and other retirement benefits, including revision of pension in the case of employees who have retired prior to the date of effect of these recommendations, keeping in view that retirement benefits of all Central Government employees appointed on and after 01.01.2004 are covered by the New Pension Scheme (NPS).
7. To make recommendations on the above, keeping in view:
 - (i) the economic conditions in the country and the need for fiscal prudence;
 - (ii) the need to ensure that adequate resources are available for developmental expenditures and welfare measures;
 - (iii) the likely impact of the recommendations on the finances of the state governments, which usually adopt the recommendations with some modifications;
 - (iv) the prevailing emolument structure and retirement benefits available to employees of Central Public Sector Undertakings; and
 - (v) the best global practices and their adaptability and relevance in Indian conditions.
8. To recommend the date of effect of its recommendations on all the above.

A Prime Minister's High Level Committee was constituted by the Government of India (Prime Minister's Office/Secretariat) in March 2005 under the chairmanship of Justice Rajinder Sachar to prepare a report on the social, economic and educational status of the Muslim community of India. The Committee submitted its report in November, 2006.

TERMS OF REFERENCE OF THE COMMITTEE

As it has been noted, there is lack of authentic information about the social, economic and educational status of the Muslim community of India which comes in the way of planning, formulating and implementing specific interventions, policies and programmes to address the issues relating to the socio-economic backwardness of this community. The Government has constituted a high level committee to prepare a comprehensive report covering these aspects.

The terms of reference of the above High Level Committee (HLC) are as follows:

- (1) The HLC will prepare a report on the social, economic and educational status of the Muslim community of India.
- (2) More specifically, the HLC will:
 - (a) Obtain relevant information from departments/agencies of the Central and state governments and also conduct an intensive literature survey to identify published data, articles and research on relative social, economic and educational status of Muslims in India at the state, regional and district levels, to address, *inter alia*, the following questions:
 - (i) In which states, regions, districts and blocks do Muslims of India mostly live?
 - (ii) What is the geographical pattern of their economic activity, i.e., what do they mostly do for a living in various states, regions and districts?
 - (iii) What are their asset bases and income levels relative to other groups across various states and regions?
 - (iv) What is the level of their socio-economic development in terms of relevant indicators such as literacy rate, dropout rate, maternal mortality rate (MMR), infant mortality rate (IMR) etc.? How does this compare with other communities in various states?
 - (v) What is their relative share in public and private sector employment? Does it vary across states and what is the pattern of such variation? Is the share in employment in proportion to their population in various states? If not, what are the hurdles?
 - (vi) What is the proportion of Other Backward Classes (OBCs) from the Muslim

community in the total OBC population in various states? Are the Muslim OBCs listed in the comprehensive list of OBCs prepared by the National and State Backward Classes Commissions and adopted by the Central and state governments for reservation for various purposes? What is the share of Muslim OBCs in the total public sector employment for OBCs in the Centre and in various states in various years?

- (vii) Does the Muslim community have adequate access to education and health services, municipal infrastructure, bank credit and other services provided by Government/public sector entities? How does this compare to the access enjoyed by other communities in various states? What is the level of social infrastructure (schools, health centers, Integrated Child Development Service Centers, etc.) located in areas of Muslim concentration in comparison to the general level of such infrastructure in various states?
- (b) Consolidate, collate and analyse the above information/literature to identify areas of intervention by Government to address relevant issues relating to the social, economic and educational status of the Muslim community.

FINDINGS OF THE COMMITTEE

The Committee found that while there is considerable variation in the conditions of Muslims across states, (and among the Muslims, those who identified themselves as OBCs and others), the community exhibits deficits and deprivation in practically all dimensions of development. In fact, by and large, Muslims rank somewhat above SCs/STs but below Hindu-OBCs, Other Minorities and Hindu-General (mostly upper castes) in almost all indicators considered. Among the states that have large Muslim populations, the situation is particularly grave in the states of West Bengal, Bihar, Uttar Pradesh and Assam. In addition to the 'development deficit', the perception among Muslims, that they are discriminated against and excluded, is widespread. This exacerbates the problem.

The educational, economic and social conditions of Muslims as reflected by the Committee report are mentioned below.

1. Muslims have the highest rate of stunting and second-highest rate of underweight children.
2. 25% Muslim children in the 6-14 years age group have either never attended school or have dropped out.
3. Only one out of every 25 undergraduate and 50 postgraduate students in premier colleges is a Muslim.
4. Only about 4% of all Muslim students are enrolled in madarasas.
5. Workforce participation rate among Muslim women is only 25%. In rural areas, 29% of Muslim women participate in the workforce as compared to 70% of Hindu women.
6. 61% of the total Muslim workers are self-employed as against 55% of Hindu workers. 73% of Muslim women are self-employed as compared to 60% for Hindus.
7. Only about 27% of the Muslim workers in urban areas are engaged in regular work as compared to 40% SC/ST, 36% OBC and 49% Hindu upper caste workers.
8. Less than 24% of Muslim regular workers are employed in the public sector or in government

jobs as compared to 39% regular SC/ST workers, 37% Hindu upper caste workers and 30% OBC workers.

9. The share of Muslim male workers engaged in street vending (especially without any fixed location) is 12% as against the national average of less than 8%.
10. The share of Muslims in Public Order and Safety Activities at the Central Government level is only about 6%. Hindu upper caste workers have a share of 42% and both SCs/STs and OBCs have 23% share each.
11. The share of Muslims among defence workers is only 4%.
12. Compared to other regular workers, a much larger proportion of Muslim regular workers have no written contract (73%, against 52% for Hindu upper caste and 63% each for Hindu-OBCs and SCs/STs) and no social security benefit (71% against the national average of 55%).

Interestingly, despite such deficits, the Muslim community has the following positive points:

1. The Muslim population shows an increasingly better sex-ratio compared with other socio-religious communities.
2. Infant and childhood mortality among Muslims is slightly lower than the average.
3. The life expectancy for Muslims is higher than average by about one year.

RECOMMENDATIONS OF THE COMMITTEE

1. Creation of a National Data Bank (NDB) where all relevant data for various socio-religious communities (SRCs) are maintained.
2. Setting up of an autonomous Assessment and Monitoring Authority (AMA) to evaluate the extent of development benefits which accrue to different SRCs through various programmes.
3. While equity in the implementation of programmes and better participation of the community in the development process would gradually eliminate the perception of discrimination, there is a need to strengthen the legal provisions to eliminate such cases.
4. An Equal Opportunity Commission (EOC) should be constituted by the government to look into the grievances of the deprived groups.
5. Appropriate state level laws can be enacted to ensure minority representation in local bodies.
6. Anomalies should be eliminated with respect to reserved constituencies under the delimitation schemes.
7. The idea of providing certain incentives to a 'diversity index' should be explored. A wide variety of incentives can be linked to this index so as to ensure equal opportunity to all SRCs in the areas of education, government and private employment and housing.
8. In order to respect and sustain diversity in the development and implementation of innovative programmes or in the provision of services, the relevant functionaries should be sensitive to the need for diversity and the problems associated with social exclusion.
9. A process of evaluating the content of the school text books needs to be initiated to purge them of explicit and implicit content that may impart inappropriate social values, especially religious intolerance.

10. Government schools of a high standard should be set up in all areas of Muslim concentration.
11. Exclusive schools for girls should be set up, particularly for the 9-12 standards.
12. Given the constitutional commitment to provide primary education in the child's mother tongue, the state is required to run Urdu medium schools.
13. The pre-entry qualification for admission to ITIs should be reduced to Class VIII.
14. The University Grants Commission (UGC) should be encouraged to evolve a system where part of the allocation to colleges and universities is linked to the diversity within the student population.
15. To facilitate admissions to the 'most backward' amongst all the SRCs in the regular universities and autonomous colleges, alternate admission criteria need to be evolved.
16. Providing hostel facilities at reasonable costs for students from minorities should be taken up on a priority basis.
17. Teacher training should compulsorily include in its curriculum components which introduce the importance of diversity/plurality within the country and sensitise teachers towards the needs and aspirations of Muslims and other marginalised communities.
18. Urdu should be introduced as an optional subject in all government and government-aided schools in states having a substantial Urdu speaking population.
19. Work out mechanisms whereby madaras can be linked with a higher secondary school board so that students wanting to shift to regular/mainstream education can do so after having passed from a madarsa.
20. Degrees from madaras should be recognised for eligibility in competitive examinations such as the civil services, banks, defense services and other such examinations.
21. Access to Muslims in Priority Sector Bank Advances should be promoted and enhanced.
22. Banks should be incentivised for opening more branches in Muslim concentration areas.
23. Small Industries Development Bank of India (SIDBI) should set aside a fund for training for minorities under its Entrepreneurial Development Programme.
24. A policy to enhance the participation of minorities in the micro-credit schemes of National Bank for Agricultural and Rural Development (NABARD) should be laid down.
25. It is desirable to have experts drawn from the Muslim community on relevant interview panels and boards. This practice is already in vogue in the case of SCs/STs.
26. All districts with more than 25 per cent Muslim population should be brought under the Prime Minister's 15-Point Programme. A special assistance package for the development of these districts should be launched.
27. There should be transparency in information about minorities in all activities.
28. Detailed data should be collected regularly on the participation of different SRCs in government programmes, both at the state and the Central level.
29. The Central Government should introduce a few schemes with large outlays for welfare of minorities with an equitable provision for Muslims.
30. Financial and other support should be provided to initiatives built around occupations where Muslims are concentrated, and that have growth potential.
31. Location of ITIs, polytechnics and other institutions that provide skill training to non-

matriculates need to be located in areas/clusters which have large concentrations of Muslim population.

32. It is desirable to have a mandated social security system for the self-employed persons in the informal sector, especially the home-based workers.
33. Efforts should be made to increase the employment share of Muslims amongst the teaching community, health workers, police personnel, bank employees and so on.
34. The registration of trusts set up by the Muslim community, such as Wakf institutions and mosque committees should be facilitated.

The Thirteenth Finance Commission was appointed by the President of India in November 2007 under the Chairmanship of Dr. Vijay L. Kelkar, former Union Finance Secretary. It submitted its report in December, 2009. Its recommendations on specified aspects of Centre-state fiscal relations cover the period of five years from April 1, 2010 to March 31, 2015.

TERMS OF REFERENCE OF THE COMMISSION

1. The Commission shall make recommendations as to the following matters:
 - (i) the distribution between the Union and the states of the net proceeds of taxes which are to be, or may be, divided between them under Chapter I in Part XII of the Constitution and the allocation among the states of the respective shares of such proceeds
 - (ii) the principles which should govern the grants-in-aid of the revenues of the states out of the Consolidated Fund of India and the sums to be paid to the states which are in need of assistance by way of grants-in-aid of their revenues under article 275 of the Constitution for purposes other than those specified in the provisos to Clause (1) of that Article, and
 - (iii) the measures needed to augment the Consolidated Fund of a state to supplement the resources of the *panchayats* and municipalities in the state on the basis of the recommendations made by the Finance Commission of the state.
2. The Commission shall review the state of the finances of the Union and the states, keeping in view, in particular, the operation of the states' Debt Consolidation and Relief Facility, 2005-2010 introduced by the Central Government on the basis of the recommendations of the Twelfth Finance Commission, and suggest measures for maintaining a stable and sustainable fiscal environment consistent with equitable growth.
3. In making its recommendations, the Commission shall have regard, among other considerations, to
 - (i) the resources of the Central Government, for five years commencing on 1st April 2010, on the basis of levels of taxation and non-tax revenues likely to be reached at the end of 2008-'09
 - (ii) the demands on the resources of the Central Government, in particular, on account of the projected Gross Budgetary Support to the Central and State Plan, expenditure on civil administration, defence, internal and border security, debt-servicing and other committed expenditure and liabilities

- (iii) the resources of the state governments, for the five years commencing on 1st April 2010, on the basis of levels of taxation and non-tax revenues likely to be reached at the end of 2008-09
 - (iv) the objective of not only balancing the receipts and expenditure on revenue account of all the states and the Union, but also generating surpluses for capital investment
 - (v) the taxation efforts of the Central Government and each state government and the potential for additional resource mobilisation to improve the Tax-Gross Domestic Product ratio in the case of the Union and Tax-Gross State Domestic Product ratio in the case of the states
 - (vi) the impact of the proposed implementation of Goods and Services Tax with effect from 1st April, 2010, including its impact on the country's foreign trade
 - (vii) the need to improve the quality of public expenditure to obtain better outputs and outcomes
 - (viii) the need to manage ecology, environment and climate change consistent with sustainable development
 - (ix) the expenditure on the non-salary component of maintenance and upkeep of capital assets and the non-wage related maintenance expenditure on plan schemes to be completed by 31st March, 2010 and the norms on the basis of which specific amounts are recommended for the maintenance of the capital assets and the manner of monitoring such expenditure
 - (x) the need for ensuring the commercial viability of irrigation projects, power projects, departmental undertakings and public sector enterprises through various means, including levy of user charges and adoption of measures to promote efficiency.
4. In making its recommendations on various matters, the Commission shall take the base of population figures as of 1971, in all such cases where population is a factor for determination of devolution of taxes and duties and grants-in-aid.
 5. The Commission may review the present arrangements as regards financing of Disaster Management with reference to the National Calamity Contingency Fund and the Calamity Relief Fund and the funds envisaged in the Disaster Management Act, 2005, and make appropriate recommendations thereon.
 6. Having regard to the need to bring the liabilities of the Central Government on account of oil, food and fertilizer bonds into the fiscal accounting, and the impact of various other obligations of the Central Government on the deficit targets, the Commission may review the roadmap for fiscal adjustment and suggest a suitably revised roadmap with a view to maintaining the gains of fiscal consolidation through 2010 to 2015.
 7. The Commission shall indicate the basis on which it has arrived at its findings and make available the estimates of receipts and expenditure of the Union and each of the states.

RECOMMENDATIONS OF THE COMMISSION

I. Finances of Union and States

1. The Ministry of Finance (MoF) should ensure that the finance accounts fully reflect the collections under cesses and surcharges as per the relevant heads, so that there are no

- inconsistencies between the amounts released to states in any year and the respective percentage shares in net Central taxes recommended by the Finance Commission for that year.
2. The states need to address the problem of losses in the power sector in a time-bound manner.
 3. Initiatives should be taken to reduce the number of Centrally Sponsored Schemes (CSS) and to restore the predominance of formula-based plan transfers.
 4. A calibrated exit strategy from the expansionary fiscal stance of 2008-09 and 2009-10 should be the main agenda of the Centre.

II. Goods and Services Tax

1. Both the Centre and the states should conclude a '**grand bargain**' to implement the Model GST. This grand bargain comprises six elements:
 - (i) The design of the Model GST
 - (ii) The operational modalities
 - (iii) The proposed agreement between the Centre and states, with contingencies for changes
 - (iv) The disincentives for non-compliance
 - (v) The implementation schedule
 - (vi) The procedure for claiming compensation.
2. Any GST model adopted must be consistent with all the elements of the **grand bargain**. To incentivise implementation of the **grand bargain**, the Commission recommended sanction of a grant of ₹ 50,000 crore. The grant would be used to meet the compensation claims of state governments for revenue losses on account of implementation of GST between 2010-11 and 2014-15, consistent with the **grand bargain**. Unspent balances in this pool would be distributed amongst all the states, as per the devolution formula, on 1 January 2015.
3. The Empowered Committee of State Finance Ministers (EC) should be transformed into a statutory council. The compensation should be disbursed in quarterly installments on the basis of the recommendations by a three-member Compensation Committee comprising the Secretary, Department of Revenue, Government of India, Secretary to the EC, and chaired by an eminent person with experience in public finance.
4. In the unlikely event that a consensus with regard to implementing all the elements of the **grand bargain** cannot be achieved and the GST mechanism finally adopted is different from the Model GST suggested by it, the Commission recommended that this amount of ₹ 50,000 crore shall not be disbursed.
5. The states should take steps to reduce the transit time of cargo vehicles crossing their borders by combining check-posts with adjoining states and adopting user-friendly options like electronically issued passes for transit traffic.

III. Union Finances

1. The policy regarding use of proceeds from disinvestment needs to be liberalised to also include capital expenditure on critical infrastructure and the environment.
2. Records of landholdings of PSUs need to be properly maintained to ensure that this scarce

resource is put to productive use, or made available for other public projects, or else, sold.

IV. State Finances

1. The practice of diverting plan assistance to meet non-plan needs of special category states should be discontinued.
2. With reference to public sector undertakings
 - (i) All states should endeavour to ensure clearance of the accounts of all their Public Sector Undertakings (PSUs).
 - (ii) The states should use the flexibility provided by the Comptroller and Auditor General (C&AG) to clear the backlog of PSU accounts.
 - (iii) All states need to draw up a roadmap for closure of non-working PSUs by March 2011. Divestment and privatisation of PSUs should be considered and actively pursued.
 - (iv) The Ministry of Corporate Affairs should closely monitor the compliance of state and Central PSUs with their statutory obligations.
 - (v) A task force may be constituted to design a suitable strategy for disinvestment/privatisation and oversee the process. A Standing Committee on restructuring may be constituted under the chairmanship of the Chief Secretary to operationalise the recommendations of the task force. An independent technical secretariat may be set up to advise the finance departments in states on restructuring/disinvestment proposals.
3. With reference to the power sector
 - (i) Reduction of Transmission and Distribution (T&D) losses should be attempted through metering, feeder separation, introduction of High Voltage Distribution Systems (HVDS), metering of distribution transformers and strict anti-theft measures. Distribution franchising and Electricity Services Company (ESCO)-based structures should be considered for efficiency improvement.
 - (ii) Unbundling needs to be carried out on priority basis and open access to transmission strengthened. Governance should be improved through State Load Dispatch Centres (SLDCs) and this function should eventually be made autonomous.
 - (iii) Proper systems should be put in place to avoid delays in completion of hydro projects.
 - (iv) Instead of putting up thermal power plants in locations remote from sources of coal, states should consider joint ventures (JVs) in or near the coal-rich states.
 - (v) Case 1 bid process should be extensively used to avoid vulnerability to high-cost purchases during peak demand periods.
 - (vi) Regulatory institutions should be strengthened through capacity building, consumer education and tariff reforms like Multi Year Tariff (MYT). Best practices of corporate governance should be introduced in power utilities.
4. Migration to the New Pension Scheme needs to be completed at the earliest.
5. States with large cash balances should make efforts towards utilising these before resorting to fresh borrowings.
6. With reference to accounting reforms
 - (i) The Government of India (GoI) should ensure uniformity in the budgetary classification

code across all states. The list of appendices to the finance accounts of states also needs to be standardised.

- (ii) Details of contra-entries as well as the summary of transactions between the public account and the consolidated fund should be provided as a separate annexure to the finance accounts of the states.
- (iii) Public expenditure through creation of funds outside the consolidated fund of the states needs to be discouraged. Expenditure through such funds and from civil deposits should be brought under the audit jurisdiction of the C& AG.
- (iv) The following statements need to be provided with the finance accounts of states:
 - (a) Comprehensive data on all subsidies
 - (b) Consolidated information on the number of employees at each level, along with the commitment on salary. This statement should also include information on employees and their salary where such expenditure is shown as grants or booked under other expenditure.
 - (c) Details of maintenance expenditure

V. Sharing of Union Tax Revenues

1. The share of states in net proceeds of shareable Central taxes shall be 32 per cent in each of the financial years from 2010–11 to 2014–15. Under the Additional Duties of Excise (Goods of Special Importance) Act, 1957, all goods were exempted from payment of duty from 1 March 2006. Following this, the Centre had adjusted the basic duties of excise on sugar and tobacco products. In view of these developments, the states' share in the net proceeds of shareable Central taxes shall remain unchanged at 32 per cent, even in the event of states levying sales tax (or Value Added Tax (VAT)) on these commodities.
2. In the event of notification of the 88th Amendment to the Constitution and enactment of any legislation following such notification, it should be ensured that the revenue accruing to a state under the legislation should not be less than the share that would accrue to it, had the entire service tax been part of the shareable pool of Central taxes.
3. The Central Government should review the levy of cesses and surcharges with a view to reducing their share in its gross tax revenue.
4. The indicative ceiling on overall transfers to states on the revenue account may be set at 39.5 per cent of gross revenue receipts of the Centre.

VI. Revised Roadmap for Fiscal Consolidation

1. The revenue deficit of the Centre needs to be progressively reduced and eliminated, followed by emergence of a revenue surplus by 2014–15.
2. A target of 68 per cent of GDP for the combined debt of the Centre and states should be achieved by 2014–15. The fiscal consolidation path embodies steady reduction in the augmented debt stock of the Centre to 45 per cent of GDP by 2014–15, and of the states to less than 25 per cent of GDP, by 2014–15.
3. The Medium Term Fiscal Plan (MTFP) should be reformed and made a statement of

commitment rather than a statement of intent. Tighter integration is required between the multi-year framework provided by MTFP and the annual budget exercise.

4. The following disclosures should be made along with the annual Central Budget / MTFP:
 - (i) Detailed breakup of grants to states under the overall category of non-plan and plan grants
 - (ii) Statement on tax expenditure to be systematised and the methodology to be made explicit
 - (iii) Compliance costs of major tax proposals to be reported
 - (iv) Revenue Consequences of Capital Expenditure (RCCE) to be projected in MTFP
 - (v) Fiscal impact of major policy changes to be incorporated in MTFP
 - (vi) Public Private Partnership (PPP) liabilities to be reported along with MTFP
 - (vii) MTFP to make explicit the values of parameters underlying projections for receipts and expenditure and the band within which they can vary while remaining consistent with targets
5. Transfer of disinvestment receipts to the public account to be discontinued and all disinvestment receipts to be maintained in the consolidated fund
6. GoI to list all public sector enterprises that yield a lower rate of return on assets than a norm, to be decided upon by an expert committee
7. The FRBM Act to specify the nature of shocks that would require a relaxation of FRBM targets
8. In case of macroeconomic shocks, instead of relaxing the states' borrowing limits and letting them borrow more, the Centre to borrow and devolve the resources using the Finance Commission tax devolution formula for *inter se* distribution between states
9. Structural shocks such as arrears arising out of Pay Commission awards to be avoided by, in the case of arrears, making the pay award commence from the date on which it is accepted
10. An independent review mechanism to be set-up by the Centre to evaluate its fiscal reform process. The independent review mechanism should evolve into a fiscal council with legislative backing over time
11. Given the exceptional circumstances of 2008–09 and 2009–10, the fiscal consolidation process of the states was disrupted. It is expected that states would be able to get back to their fiscal correction path by 2011–12, allowing for a year of adjustment in 2010–11.
 - (i) States that incurred zero revenue deficit or achieved revenue surplus in 2007–08 should eliminate revenue deficit by 2011–12 and maintain revenue balance or attain a surplus thereafter. Other states should eliminate revenue deficit by 2014–15.
 - (ii) The General Category States that attained a zero revenue deficit or a revenue surplus in 2007–08 should achieve a fiscal deficit of three per cent of Gross State Domestic Product (GSDP) by 2011–12 and maintain such thereafter. Other general category states need to achieve three per cent fiscal deficit by 2013–14.
 - (iii) All special category states with base fiscal deficit of less than three per cent of GSDP in 2007–'08 could incur a fiscal deficit of three per cent in 2011–12 and maintain it thereafter. Manipur, Nagaland, Sikkim and Uttarakhand should reduce their fiscal deficit to three per cent of GSDP by 2013–14.
 - (iv) Jammu & Kashmir and Mizoram should limit their fiscal deficit to three per cent of GSDP by 2014–15.

12. States to amend/enact FRBM Acts to build in the fiscal reform path worked out. State-specific grants recommended for a state should be released upon compliance
13. Independent review/monitoring mechanism under the FRBM Acts to be set up by states
14. Borrowing limits for states to be worked out by MoF using the fiscal reform path, thus acting as an enforcement mechanism for fiscal correction by states
15. Loans to states from National Small Savings Fund (NSSF) contracted till 2006–07 and outstanding at the end of 2009–10 to be reset at nine per cent rate of interest, subject to conditions prescribed
16. National Small Savings Scheme to be reformed into a market-aligned scheme; state governments also required to undertake relevant reforms at their level
17. Loans from GoI to states and administered by ministries/departments other than MoF, outstanding as at the end of 2009–10, to be written off, subject to conditions prescribed
18. A window for borrowing from the Central Government to be available for fiscally weak states that are unable to raise loans from the market
19. For states that have not availed the benefit of consolidation under the Debt Consolidation and Relief Facility (DCRF), the facility, limited to consolidation and interest rate reduction, to be extended, subject to enactment of the FRBM Act
20. The benefit of interest relief on NSSF and the write-off should be made available to states only if they bring about the necessary amendments/enactments of FRBM

VII. Local Bodies

1. Article 280 (3) (bb) & (c) of the Constitution should be amended such that the words ‘on the basis of the recommendations of the Finance Commission of the State’ are changed to ‘after taking into consideration the recommendations of the Finance Commission of the State’.
2. Article 243(I) of the Constitution should be amended to include the phrase ‘or earlier’ after the words ‘every fifth year’.
3. The quantum of local body grants should be provided as per the specified scheme. The general basic grant as well as the special areas basic grant should be allocated amongst states as specified.
4. State governments will be eligible for the general performance grant and the special areas performance grant only if they comply with the prescribed stipulations. These grants will be disbursed in the manner specified.
5. The states should appropriately allocate a portion of their share of the general basic grant and general performance grant, to the special areas in proportion to the population of these areas. This allocation will be in addition to the special area basic grant and special area performance grant recommended by the Commission.
6. State governments should appropriately strengthen their local fund audit departments through capacity building as well as personnel augmentation.
7. The state governments should incentivise revenue collection by local bodies through methods such as mandating some or all local taxes as obligatory at non-zero rates of levy, by deducting deemed own revenue collection from transfer entitlements of local bodies, or through a system

of matching grants.

8. To buttress the accounting system, the finance accounts should include a separate statement indicating head-wise details of actual expenditures under the same heads as used in the budget for both *Panchayati Raj* Institutions (PRIs) and Urban Local Bodies (ULBs). These changes were to be brought into effect from 31 March 2012.
9. The Government of India and the state governments should issue executive instructions so that their respective departments pay appropriate service charges to local bodies.
10. Given the increasing income of state governments from royalties, they should share a portion of this income with those local bodies in whose jurisdiction such income arises.
11. State governments should ensure that the recommendations of State Finance Commissions (SFCs) are implemented without delay and that the Action Taken Report (ATR) is promptly placed before the legislature.
12. Bodies similar to the SFC should be set up in states which are not covered by Part IX of the Constitution.
13. Local bodies should consider implementing the identified best practices.
14. A portion of the grants provided to urban local bodies should be used to revamp the fire services within their jurisdiction.
15. Local Bodies should be associated with city planning functions wherever other development authorities are mandated this function. These authorities should also share their revenues with local bodies.
16. The development plans for civilian areas within the cantonment areas (excluding areas under the active control of the forces) should be brought before the district planning committees.
17. State governments should lay down guidelines for the constitution of *nagar panchayats*.

III. Disaster Relief

1. The National Calamity Contingency Fund (NCCF) should be merged into the National Disaster Response Fund (NDRF) and the Calamity Relief Fund (CRF) into the State Disaster Response Funds (SDRFs) of the respective states. Contribution to the SDRFs should be shared between the Centre and states in the ratio of 75:25 for general category states and 90:10 for special category states.
2. Balances as on 31 March, 2010 under state CRFs and the NCCF should be transferred to the respective SDRFs and NDRF.
3. Budgetary provisions for the NDRF need to be linked to expenditure of the previous year from the fund. With cesses being subsumed on introduction of the GST, alternative sources of financing need to be identified.
4. The total size of the SDRF has been worked out as ₹ 33,581 crore, should be shared in the ratio given above, with an additional grant of ₹ 525 crore for capacity building.
5. Assistance of ₹ 250 crore should be given to the National Disaster Response Force to maintain an inventory of items required for immediate relief.
6. Provisions relating to the District Disaster Response Fund (DDRF) in the Disaster Management (DM) Act may be reviewed and setting up of these funds left to the discretion of

the individual states.

7. Mitigation and reconstruction activities should be kept out of the schemes funded through FC grants and met out of overall development plan funds of the Centre and the states.
8. The list of disasters to be covered under the scheme financed through FC grants should remain as it exists today. However, man-made disasters of high-intensity may be considered for NDRF funding, once norms have been stipulated and the requisite additional allocations made to the NDRF.
9. The administrative mechanism for disaster relief should be as prescribed under the DM Act, i.e., the National Disaster Management Authority (NDMA)/National Executive Council (NEC) at the Centre and the State Disaster Management Agency (SDMA)/State Executive Council (SEC) at the state level; financial matters should be dealt with by the Ministry of Finance as per the existing practice.
10. Prescribed accounting norms should be adhered to for the continuance of Central assistance to the SDRFs.

IX. Grants-in-aid to States

A. NPRD and Performance Incentive

1. Total non-plan revenue grant of ₹ 51,800 crore is recommended over the award period for eight states.
2. A performance grant of ₹ 1500 crore is recommended for three special category states who have graduated from a non-plan Revenue Deficit (NPRD) situation.

B. Elementary Education

1. A grant of ₹ 24,068 crore is recommended for elementary education over the award period.
2. The education grant will be an additionality to the normal expenditure of the states for elementary education. The expenditure (plan + non-plan) under elementary education, exclusive of grants recommended, should grow by at least eight per cent annually during 2010–15.

C. Environment

1. An amount of ₹ 5000 crore is recommended as forest grant for the award period.
2. Grants for the first two years are untied but priority should be given to the preparation of working plans. Release of grants for the last three years is linked to progress in the number of approved working plans.
3. Twenty five per cent of the grants in the last three years are for preservation of forest wealth. These grants are over and above the non-plan revenue expenditure on forestry and wildlife. Seventy five per cent of the grants in the last three years can be used by states for development purposes.

4. An incentive grant of ₹ 5000 crore is recommended for grid-connected renewable energy based on the states' achievement in renewable energy capacity addition from 1 April, 2010 to 31 March, 2014. The performance of states in this regard needs to be reviewed on the basis of data published by GoI on capacity addition by states.
5. An amount of ₹ 5000 crore is recommended as water sector management grant for four years, i.e., 2011–12 to 2014–15 of the award period.
6. Release of water sector grants would be subject to setting up of a Water Regulatory Authority and achieving the normatively assessed state-specific recovery of water charges.
7. Water sector grants should be an additionality to the normal maintenance expenditure to be undertaken by the states.

D. Improving Outcomes

1. States should be incentivised to enroll such of their residents who participate in welfare schemes within the Unique Identification (UID) programme. A grant of ₹ 2989 crore is proposed to be given to state governments in this regard.
2. States should be incentivised for reducing their Infant Mortality Rates (IMR) based upon their performance beyond 31 December 2009. A grant of ₹ 5000 crore is recommended for this purpose.
3. A grant of ₹ 5000 crore is proposed to support improvement in a number of facets in the administration of justice. These include operation of morning/evening courts, promotion of Alternate Dispute Resolution (ADR) mechanisms, enhancing support to Lok Adalats, as well as legal aid and training.
4. A grant of ₹ 20 crore is recommended for promotion of innovation by setting up a Centre for Innovation in Public Systems (CIPS) to identify, document and promote innovations in public services across states. The second grant of ₹ 1 crore per district is for the creation of a District Innovation Fund (DIF) aimed at increasing the efficiency of the capital assets already created.
5. To enhance the quality of statistical systems, it recommended a grant of ₹ 616 crore for state governments at the rate of ₹ 1 crore for every district to fill in statistical infrastructure gaps in areas not addressed by the India Statistical Project (ISP).
6. A grant of ₹ 10 crore will be provided to each general category state and ₹ 5 crore to each special category state to set up an employees' and a pensioners' data base.

E. Maintenance of Roads and Bridges

1. An amount of ₹ 19,930 crore has been recommended as grant for maintenance of roads and bridges for four years (2011–12 to 2014–15) of the award period.
2. The maintenance grants for roads and bridges will be an additionality to the normal maintenance expenditure to be incurred by the states.

F. State-specific Needs

1. A total grant of ₹ 27,945 crore is recommended for state-specific needs.
2. State-specific grants are subject to the following conditionalities:
 - (i) No funds from any of the state-specific grants may be used for land acquisition by the states. Wherever land is required for a project/construction, such land may be made available by the state government.
 - (ii) The specified phasing of the state-specific grants is only indicative; states may communicate their required phasing to the Central Government. The grant may be released in a maximum of two installments per year.
 - (iii) Accounts shall be maintained and Utilisation Certificates (UCs)/Statements of Expenditure (SOEs) provided as per General Finance Rules (GFR), 2005.

G. Monitoring

The High Level Monitoring Committee headed by the Chief Secretary to review the utilisation of grants and to take corrective measures, set up as per the recommendation of FC-XII, should continue.

Table A8.1 Share of States in Central Tax Revenue (2010-15)

<i>Sl. No.</i>	<i>States</i>	<i>Share of all Shareable Taxes Excluding Service Tax (per cent)</i>	<i>Share of Service Tax (per cent)</i>
1.	Andhra Pradesh	6.937	7.047
2.	Arunachal Pradesh	0.328	0.332
3.	Assam	3.628	3.685
4.	Bihar	10.917	11.089
5.	Chhattisgarh	2.470	2.509
6.	Goa	0.266	0.270
7.	Gujarat	3.041	3.089
8.	Haryana	1.048	1.064
9.	Himachal Pradesh	0.781	0.793
10.	Jammu & Kashmir	1.551	Nil
11.	Jharkhand	2.802	2.846
12.	Karnataka	4.328	4.397
13.	Kerala	2.341	2.378
14.	Madhya Pradesh	7.120	7.232
15.	Maharashtra	5.199	5.281
16.	Manipur	0.451	0.458
17.	Meghalaya	0.408	0.415
18.	Mizoram	0.269	0.273
19.	Nagaland	0.314	0.318
20.	Odisha	4.779	4.855

21.	Punjab	1.389	1.411
22.	Rajasthan	5.853	5.945
23.	Sikkim	0.239	0.243
24.	Tamil Nadu	4.969	5.047
25.	Tripura	0.511	0.519
26.	Uttar Pradesh	19.677	19.987
27.	Uttarakhand	1.120	1.138
28.	West Bengal	7.264	7.379
	All States	100.000	100.000

Note: This table specifies the share of each state in the net proceeds of all shareable Central taxes and duties in each of the five financial years from 2010-11 to 2014-15.

Table A8.2 Criteria and Weights for Tax Devolution

<i>Sl. No.</i>	<i>Criteria</i>	<i>Weight (per cent)</i>
1.	Population (1971)	25.00
2.	Area	10.00
3.	Fiscal Capacity Distance	47.50
4.	Fiscal Discipline	17.50
	Total	100.00

Note: This table specifies the criteria for determining the share of states in tax devolution, along with the weights assigned to them.

Table A8.3 Grants-in-Aid to States (2010-15)

<i>Sl. No.</i>	<i>Purpose of Grant</i>	<i>(₹ crore)</i>
1.	Local Bodies	87519
2.	Disaster Relief (including for capacity building)	26373
3.	Post-devolution Non-plan Revenue Deficit	51800
4.	Performance Incentive	1500
5.	Elementary Education	24068
6.	Environment	15000
	(a) Protection of Forests	5000
	(b) Renewable Energy	5000
	(c) Water Sector Management	5000
7.	Improving Outcomes	14446
	(a) Reduction in Infant Mortality Rates	5000
	(b) Improvement in Delivery of Justice	5000
	(c) Incentive for Issuing UIDs	2989
	(d) District Innovation Fund	616
	(e) Improvement of Statistical Systems	616
	(f) Employee and Pension Data base	225

8.	Maintenance of Roads and Bridges	19930
9.	State-specific Needs	27945
10.	Implementation of model GST	50000
	Total	318581

Note: This table specifies the total grants-in-aid recommended for the states over the award period of 2010 to 2015.

The 14th Finance Commission was appointed by the President of India in January 2013 under the Chairmanship of Dr. Y.V. Reddy, former Governor of Reserve Bank of India.

The Commission shall make its report available by the 31st October, 2014, covering a period of five years commencing on 1st April, 2015.

The Commission shall make recommendations regarding the sharing of Union taxes, principles governing grants-in-aid to states and transfer of resources to local bodies.

The Terms of Reference and the matters that shall be taken into consideration by the Fourteenth Finance Commission in making the recommendations are as under :

- 1.(i) the distribution between the Union and the states of the net proceeds of taxes which are to be, or may be, divided between them under Chapter I, Part XII of the Constitution and the allocation between the states of the respective shares of such proceeds;
 - (ii) the principles which should govern the grants-in-aid of the revenues of the states out of the Consolidated Fund of India and the sums to be paid to the states which are in need of assistance by way of grants-in-aid of their revenues under article 275 of the Constitution for purposes other than those specified in the provisos to clause (1) of that article; and
 - (iii) the measures needed to augment the Consolidated Fund of a state to supplement the resources of the Panchayats and Municipalities in the state on the basis of the recommendations made by the Finance Commission of the state.
2. The Commission shall review the state of the finances, deficit and debt levels of the Union and the states, keeping in view, in particular, the fiscal consolidation roadmap recommended by the Thirteenth Finance Commission, and suggest measures for maintaining a stable and sustainable fiscal environment consistent with equitable growth including suggestions to amend the Fiscal Responsibility Budget Management Acts currently in force and while doing so, the Commission may consider the effect of the receipts and expenditure in the form of grants for creation of capital assets on the deficits; and the Commission shall also consider and recommend incentives and disincentives for states for observing the obligations laid down in the Fiscal Responsibility Budget Management Acts.
 3. In making its recommendations, the Commission shall have regard, among other considerations, to –
 - (i) the resources of the Central Government for five years commencing on 1st April 2015, on the basis of levels of taxation and non-tax revenues likely to be reached during 2014-15;
 - (ii) the demands on the resources of the Central Government, in particular, on account of the expenditure on civil administration, defence, internal and border security, debt-servicing and other committed expenditure and liabilities;

- (iii) the resources of the state governments and the demands on such resources under different heads, including the impact of debt levels on resource availability in debt stressed states, for the five years commencing on 1st April 2015, on the basis of levels of taxation and non-tax revenues likely to be reached during 2014-15;
 - (iv) the objective of not only balancing the receipts and expenditure on revenue account of all the states and the Union, but also generating surpluses for capital investment;
 - (v) the taxation efforts of the Central Government and each state government and the potential for additional resource mobilisation to improve the tax-Gross Domestic Product ratio in the case of the Union and tax-Gross State Domestic Product ratio in the case of the states;
 - (vi) the level of subsidies that are required, having regard to the need for sustainable and inclusive growth, and equitable sharing of subsidies between the Central Government and state governments;
 - (vii) the expenditure on the non-salary component of maintenance and upkeep of capital assets and the non-wage related maintenance expenditure on plan schemes to be completed by 31st March, 2015 and the norms on the basis of which specific amounts are recommended for the maintenance of the capital assets and the manner of monitoring such expenditure;
 - (viii) the need for insulating the pricing of public utility services like drinking water, irrigation, power and public transport from policy fluctuations through statutory provisions;
 - (ix) the need for making the public sector enterprises competitive and market oriented; listing and disinvestment; and relinquishing of non-priority enterprises;
 - (x) the need to balance management of ecology, environment and climate change consistent with sustainable economic development; and
 - (xi) the impact of the proposed Goods and Services Tax on the finances of Centre and states and the mechanism for compensation in case of any revenue loss.
4. In making its recommendations on various matters, the Commission shall generally take the base of population figures as of 1971 in all cases where population is a factor for determination of devolution of taxes and duties and grants-in-aid; however, the Commission may also take into account the demographic changes that have taken place subsequent to 1971.
 5. The Commission may review the present Public Expenditure Management systems in place including the budgeting and accounting standards and practices; the existing system of classification of receipts and expenditure; linking outlays to outputs and outcomes; best practices within the country and internationally, and make appropriate recommendations thereon.
 6. The Commission may review the present arrangements as regards financing of Disaster Management with reference to the funds constituted under the Disaster Management Act, 2005 and make appropriate recommendations thereon.
 7. The Commission shall indicate the basis on which it has arrived at its findings and make available the state-wise estimates of receipts and expenditure.

The 20th Law Commission was constituted in October 2012 by the Government of India (Ministry of Law and Justice) for a term of three years. In January 2013, Justice D.K. Jain, a Judge of the Supreme Court of India, was appointed as the Chairman of the Commission. In November 2013, Justice A.P. Shah, a former Chief Justice of Delhi High Court, was appointed as the new Chairman of the Commission.

The Terms of Reference of the Twentieth Law Commission are as follows:-

1. Review/Repeal of Obsolete Laws

- (i) Identify laws which are no longer needed or relevant and can be immediately repealed.
- (ii) Identify laws which are not in harmony with the existing climate of economic liberalisation and need change.
- (iii) Identify laws which otherwise require changes or amendments and to make suggestions for their amendment.
- (iv) Consider in a wider perspective the suggestions for revision/amendment given by Expert Groups in various Ministries/Departments with a view to coordinating and harmonising them.
- (v) Consider references made to it by Ministries/Departments in respect of legislation having bearing on the working of more than one Ministry/Department.
- (vi) Suggest suitable measures for quick redressal of citizens grievances, in the field of law.

2. Law and Poverty

- (i) Examine the laws which affect the poor and carry out post-audit for socio-economic legislations.
 - (ii) Take all such measures as may be necessary to harness law and the legal process in the service of the poor.
3. Keep under review the system of judicial administration to ensure that it is responsive to the reasonable demands of the times and in particular to secure:
- (i) Elimination of delays, speedy clearance of arrears and reduction in costs so as to secure quick and economical disposal of cases without affecting the cardinal principle that decision should be just and fair.
 - (ii) Simplification of procedure to reduce and eliminate technicalities and devices for delay so that it operates not as an end in itself but as a means of achieving justice.
 - (iii) Improvement of standards of all concerned with the administration of justice.
4. Examine the existing laws in the light of Directive Principles of State Policy and to suggest

ways of improvement and reform and also to suggest such legislations as might be necessary to implement the Directive Principles and to attain the objectives set out in the Preamble to the Constitution.

5. Examine the existing laws with a view for promoting gender equality and suggesting amendments thereto.
6. Revise the Central Acts of general importance so as to simplify them and to remove anomalies, ambiguities and inequities.
7. Recommend to the government measure for making the statute book up-to-date by repealing obsolete laws and enactments or parts thereof which have outlived their utility.
8. Consider and to convey to the government its views on any subject relating to law and judicial administration that may be specifically referred to it by the government through Ministry of Law and Justice.
9. Consider the requests for providing research to any foreign countries as may be referred to it by the government through Ministry of Law and Justice.
10. Examine the impact of globalisation on food security, unemployment and recommend measures for the protection of the interests of the marginalised.

1. Which of the following is not correctly matched?

-
- | | | |
|----------------|---|-----------------------|
| (a) Wing | — | Deputy Secretary |
| (b) Department | — | Secretary |
| (c) Branch | — | Under Secretary |
| (d) Section | — | First Line Supervisor |
-

2. Which of the following pairs is not correctly matched?

-
- | | | |
|-----------------------------|---|------|
| (a) District Collector | — | 1772 |
| (b) Divisional Commissioner | — | 1839 |
| (c) Portfolio System | — | 1859 |
| (d) Chief Secretary | — | 1799 |
-

3. Which of the following is not correctly matched?

-
- | | | |
|-----------------------------|---|----------|
| (a) District Collector | — | Hastings |
| (b) Chief Secretary | — | Curzon |
| (c) Divisional Commissioner | — | Bentinck |
| (d) Local Governments | — | Rippon |
-

4. The attached offices are responsible for:

1. Providing executive direction required in the implementation of policies.
 2. Serving as a repository of technical information.
 3. Advising the ministry on technical aspects of policies.
 4. Detailed execution of the policies of the government.
- (a) 1 and 2
(b) 2, 3 and 4
(c) 1, 2 and 3
(d) 1, 2, 3 and 4

5. Which of the following is not a feature of a public corporation?

- (a) It is wholly owned by the state.
(b) It is a separate entity for legal purposes.
(c) It is not subject to budget, accounting and audit laws.
(d) In majority of cases, its employees are civil servants.

6. In 1675, the East India Company established a regular gradation of posts. Which of the

following is the correct order?

- (a) Writer, Factor, Apprentice, Merchants
 - (b) Factor, Writer, Merchants, Apprentice
 - (c) Apprentice, Factor, Writer, Merchants
 - (d) Apprentice, Writer, Factor, Merchants
7. Which of the following are the recommendations of Macaulay Committee?
- 1. Open competition system for recruitment to the civil services.
 - 2. Age of 18–23 years for the admission to the tests.
 - 3. Examinations will be held in England and India.
 - 4. A probationary period before final appointment.
 - 5. Continuation of the East India College
- (a) 1, 2, 3 and 5
 - (b) 1, 2, 4 and 5
 - (c) 1, 2 and 4
 - (d) 1 and 2
8. The position and role of Cabinet Secretary has been affected by the emergence of a powerful:
- (a) Planning Commission
 - (b) Finance Commission
 - (c) National Development Council
 - (d) Prime Minister's Secretariat/Office
9. Which of the following is not a feature of a departmental undertaking?
- (a) It is financed by annual appropriations from the treasury.
 - (b) It is subject to accounting and audit controls.
 - (c) Its staff consists of regular civil servants.
 - (d) It does not possess sovereign immunity of the state.
10. Which of the following did not support the company form?
- 1. Krishna Menon Committee
 - 2. A.D. Gorwala Report
 - 3. Administrative Reforms Commission
 - 4. First Five-Year Plan
 - 5. Estimates Committee
- (a) 2 and 4
 - (b) 1, 2 and 4
 - (c) 2, 4 and 5
 - (d) 1, 3 and 5
11. Which of the following are recommendations of Charles Aitchison Commission?
- 1. Categorisation of civil services into imperial, provincial and subordinate.
 - 2. Raising of age limit to 25 years.
 - 3. Abolition of Statutory Civil Service System.
 - 4. Simultaneous conduction of exams in England and India upheld.

- (a) 1, 2, 3 and 4
- (b) 1, 2 and 3
- (c) 1 and 3
- (d) 1, 2 and 4

12. Which of the following supported the corporation form?

- 1. Krishna Menon Committee
 - 2. A.D. Gorwala Report
 - 3. Administrative Reforms Commission
 - 4. First Five-Year Plan
 - 5. Estimates Committee
- (a) 2 and 4
 - (b) 1, 2 and 4
 - (c) 2, 4 and 5
 - (d) 1, 3 and 5

13. Who of the following in the Central Secretariat acts on behalf of the Secretary?

- (a) Joint Secretary
- (b) Under Secretary
- (c) Deputy Secretary
- (d) Section Officer

14. The term 'ministry' first came into vogue in which of the following year?

- (a) 1919
- (b) 1935
- (c) 1947
- (d) 1950

15. Which of the following is not a feature of a government company?

- (a) It is created by an executive decision.
- (b) It enjoys a separate legal entity of its own.
- (c) It is subject to accounting and audit rules.
- (d) At least 51 per cent of the capital stock is owned by the government.

16. Coal India Limited is a:

- (a) Public corporation
- (b) Government company
- (c) Sector corporation
- (d) Departmental undertaking

17. Which of the following have recommended the establishment of sector corporations?

- 1. Administrative Reforms Commission
- 2. Krishna Menon Committee
- 3. Estimates Committee
- 4. Arjun Sengupta Committee

5. A.D. Gorwala Report
- only 1
 - 1 and 3
 - 1 and 4
 - 1 and 2
18. Which of the following statements are true about Central Secretariat in India?
- It assists the council of ministers in the fulfilment of its responsibilities and duties.
 - It is based on the belief that policy-making must be separated from policy execution.
 - It is the totality of all the ministries and departments of Central Government.
 - Secretariat system in India is similar to both British and Swedish systems.
- 1, 3 and 4
 - 2, 3 and 4
 - 2 and 3
 - 1, 2 and 3
19. Cabinet Secretariat is a:
- Line agency
 - Auxiliary and staff agency
 - Staff agency
 - Line and staff agency
20. A secretariat organisation in the Central Government is a:
- Line agency
 - Auxiliary agency
 - Staff agency
 - Staff and line agency
21. Which of the following function is not performed by the Secretariat?
- Framing rules and regulations.
 - Sectoral planning and programme formulation.
 - Maintaining contact with state governments.
 - Evaluation of the work done by the executive agencies.
 - Develop greater personnel and organisational competence.
- 3
 - 4
 - 5
 - None
22. Which of the following is based on the belief that “India may be governed from Simla or Calcutta, but is administered from the plains?”
- Split system of secretariat organisation
 - Office of the District Collector
 - Tenure system of Secretariat staffing
 - Attached and subordinate offices

23. Which of the following supported the tenure system?

1. Simon Commission
 2. Maxwell Committee
 3. Llewellyn Smith Committee
 4. Wheeler Committee
- (a) 1 and 2
(b) 1, 3 and 4
(c) 1, 2 and 3
(d) 1, 2, 3 and 4

24. What is the correct ascending order of the following officers in the Secretariat?

1. Joint Secretary
 2. Deputy Secretary
 3. Additional Secretary
 4. Director
 5. Secretary
 6. Under Secretary
- (a) 5, 3, 1, 4, 2, 6
(b) 5, 3, 1, 2, 4, 6
(c) 6, 2, 4, 1, 3, 5
(d) 6, 4, 2, 1, 3, 5

25. Who of the following is the first line supervisor in the Secretariat hierarchy?

- (a) Secretary
(b) Deputy Secretary
(c) Under Secretary
(d) Section Officer

26. Which of the following is not a department under Ministry of Personnel, Public Grievances and Pensions created in 1985?

- (a) Department of Personnel and Training
(b) Department of Personnel and Career Planning
(c) Department of Administrative Reforms and Public Grievances
(d) Department of Pensions and Pensioner's Welfare.

27. Which of the following statements are true about the post of Cabinet Secretary?

1. He works under the direct control of Prime Minister
 2. He is usually the senior most civil servant of the country.
 3. The official warrant of precedence gives him the first place among civil servants.
 4. He is the head of the Cabinet Secretariat.
 5. This office was created in 1950.
- (a) 1, 2 and 4
(b) 1, 3 and 4
(c) 1, 2, 3 and 4

(d) 1, 2, 3, 4 and 5

28. Which of the following statements are true about Prime Minister's Office (PMO)?

1. It enjoys the status of a department of the Government of India under Allocation of Business Rules.
2. It has a few attached and subordinate offices under it.
3. It came into existence in August 1947 by replacing the Secretary to the Governor-General.
4. Till 1967, it was called as the Prime Minister's Secretariat.

(a) 1, 2 and 3

(b) 1, 3 and 4

(c) 3 and 4

(d) 1 and 3

29. An attached office in the Central Government is a:

(a) Auxiliary agency

(b) Staff agency

(c) Line agency

(d) Line and staff agency

30. Which of the following statements are true about the Cabinet Secretary?

1. He has succeeded the Secretary of the Viceroy's Executive Council.
2. He is the Chairman of the Senior Selection Board.
3. He presides over the Chief Secretaries conference.
4. He is the Chairman of the Committee of Secretaries on Administration.
5. He is the Chief Coordinator of Central Administration.

(a) 1, 2 and 3

(b) 2, 3 and 4

(c) 2, 3 and 5

(d) 1, 2, 3, 4 and 5

31. Which of the following is not a wing of Cabinet Secretariat?

(a) Civil wing

(b) Military wing

(c) Administrative wing

(d) Intelligence wing

32. Which of the following suggested that the role of a Secretary should be one of "Coordinator, policy guide, reviewer and evaluator?"

(a) Gopala Swamy Ayyanger Report

(b) Gorwala Report

(c) Appleby Report

(d) ARC Report

33. Which of the following is/are correct about subordinate offices?

1. They advise the ministry on technical aspects of policies.
2. They provide executive direction required in policy implementation.

3. They function as field establishments.
 4. They serve as repository of technical information.
 5. They are responsible for the detailed execution of policies.
 - (a) 1, 2 and 5
 - (b) 2, 3 and 4
 - (c) 3 and 5
 - (d) only 5
- 34.** The term 'civil servant' came to be used in the records of the East India Company by:
- (a) 1760
 - (b) 1756
 - (c) 1772
 - (d) 1765
- 35.** A division in the Central Secretariat is put under the charge of:
- (a) Joint Secretary
 - (b) Under Secretary
 - (c) Director
 - (d) Additional Secretary
- 36.** Which of the following are the departments of Home Ministry?
1. Department of States
 2. Department of Law and Order
 3. Department of Official Language
 4. Department of Home
 5. Department of Internal Security
 6. Department of Population
- (a) 1, 2, 3 and 6
 - (b) 1, 2 and 5
 - (c) 1, 2, 3 and 6
 - (d) 1, 3, 4 and 5
- 37.** The most important function of Central Secretariat is:
- (a) Coordination and interpretation of policies
 - (b) Framing of legislation and rules
 - (c) Budgeting and control of expenditure
 - (d) Assisting the minister in policy making
- 38.** Which of the following are correct about Central Administrative pool?
1. It is a reserve for manning Secretariat posts of and above the rank of Under Secretary.
 2. It was created in 1958.
 3. It includes officers drawn from the IAS, IPS, Class 1 Central Services and Class 1 State Services.
 4. Its control is vested in Home Ministry.
- (a) 1, 2, 3 and 4

- (b) 2, 3 and 4
- (c) 1, 3 and 4
- (d) None

39. Arrange the following gradation of posts in East India Company in the ascending order.

1. Factor
2. Apprentice
3. Senior Merchant
4. Writer
5. Junior Merchant

- (a) 4, 1, 2, 5, 3
- (b) 3, 4, 1, 5, 2
- (c) 2, 4, 1, 5, 3
- (d) 3, 5, 2, 4, 1

40. Which of the following pairs is incorrectly matched?

-
- (a) Commission form — Statutory
 - (b) Government company — Executive resolution
 - (c) Commodity board — Statutory
 - (d) Control board — Statutory
-

41. Which of the following are true of Cabinet Secretariat?

1. It operates under the direction of Prime Minister.
2. It came into existence in 1950.
3. It is the chief coordinating agency of the Government of India.
4. It helps the Prime Minister in the performance of his functions as the head of government.

- (a) 1, 2, 3 and 4
- (b) 1, 3 and 4
- (c) 1 and 3
- (d) 1, 2 and 3

Matching Pattern

Match List I with List II and select the correct answers by using codes given below the lists.

42.

<i>List-I</i>	<i>List-II</i>
A. Covenanted Civil Service	1. Charter Act of 1793
B. College at Fort William	2. Charter Act of 1853
C. Europeanisation of Higher Civil Service	3. Lord Cornwallis
D. Open Competition	4. Wellesley

- Codes:*
- | | A | B | C | D |
|-----|---|---|---|---|
| (a) | 4 | 3 | 2 | 1 |

(b)	2	3	1	4
(c)	3	4	1	2
(d)	2	4	1	3

43.

<i>List-I</i>		<i>List-II</i>	
A.	First Competitive Examination	1.	1854
B.	Haileybury College	2.	Lord Lytton
C.	Statutory Civil Service	3.	1855
D.	Committee on Indian Civil Service	4.	1806

<i>Codes:</i>	A	B	C	D
(a)	1	4	2	3
(b)	4	2	1	3
(c)	3	4	2	1
(d)	3	2	1	4

44.

<i>List-I</i>		<i>List-II</i>	
A.	Aitchison Commission	1.	1918
B.	Islington Commission	2.	1886
C.	Lee Commission	3.	1912
D.	All India Services	4.	1924

<i>Codes:</i>	A	B	C	D
(a)	1	2	3	4
(b)	2	3	1	4
(c)	3	2	1	4
(d)	2	3	4	1

45.

<i>List-I</i>		<i>List-II</i>	
A.	Central Public Service Commission	1.	1935 Act
B.	Staff Selection Board	2.	Lee Commission
C.	Joint Public Service Commission	3.	1926
D.	Provincialisation of all-India Services	4.	1922

<i>Codes:</i>	A	B	C	D
(a)	4	3	1	2
(b)	3	4	1	2
(c)	3	1	2	4
(d)	2	4	3	1

46.

<i>List-I (Officers grades)</i>		<i>List-II (Tenure system)</i>	
A.	Joint Secretary	1.	Three years

- | | |
|---------------------|---------------|
| B. Under Secretary | 2. Five years |
| C. Secretary | 3. Four years |
| D. Deputy Secretary | 4. Five years |
-

<i>Codes:</i>	A	B	C	D
(a)	2	4	1	3
(b)	2	4	3	1
(c)	4	1	3	2
(d)	2	1	4	3

47.

<i>List-I</i>	<i>List-II</i>
A. Central Secretariat Service	1. 1938
B. Finance-commerce pool	2. 1957
C. Central administrative pool	3. 1960
D. The post of Director	4. 1948

<i>Codes:</i>	A	B	C	D
(a)	2	1	4	3
(b)	3	2	1	4
(c)	4	1	2	3
(d)	1	4	3	2

48.

<i>List-I</i>	<i>List-II</i>
A. Additional Secretary	1. Section
B. Under Secretary	2. Division
C. Director	3. Department
D. Special Secretary	4. Branch
	5. Wing

<i>Codes:</i>	A	B	C	D
(a)	3	4	2	1
(b)	5	2	4	3
(c)	5	4	2	3
(d)	3	1	4	5

49.

<i>List-I</i>	<i>List-II</i>
A. Modernisation of civil service	1. Wellesley
B. Recruitment of civil servants	2. Aitchison
C. Training of civil servants	3. Cornwallis
D. Classification of civil service	4. Lord Lee
	5. Macauley

<i>Codes:</i>	A	B	C	D
---------------	---	---	---	---

(a)	3	2	1	5
(b)	4	5	2	1
(c)	5	4	3	1
(d)	3	5	1	2

Assertion (A) and Reason (R) Pattern

Answer the following questions by using the codes given below.

- (a) Both *A* and *R* are true and *R* is the correct explanation of *A*.
- (b) Both *A* and *R* are true but *R* is not a correct explanation of *A*.
- (c) *A* is true but *R* is false.
- (d) *A* is false but *R* is true.

50. *Assertion:* The Secretariat enables the Secretary to examine objectively the proposals emanating from the executive agencies keeping in view broader point of view of the Government as a whole.

Reason: The Secretary is the secretary to the Government as a whole, not to his minister alone.

51. *Assertion:* Each officer in the Secretariat disposes of work at his level and submits important cases to higher level.

Reason: All different grades of officials function on the principle of 'Filter'.

52. *Assertion:* A government company form of public enterprise is described as a fraud on the Constitution.

Reason: It evades the constitutional responsibilities which a state controlled agency has, in a democratic society, to the Government and to the Parliament.

53. *Assertion:* Cabinet Secretary acts as a buffer between ministers and the civil servants.

Reason: He is head of the civil service.

54. *Assertion:* A Secretary is the chief advisor to the minister on all aspects of policy and administrative affairs.

Reason: He represents his ministry before the Public Accounts Committee of Parliament.

55. *Assertion:* A public corporation is accountable to the Parliament of India.

Reason: The Parliament of India is the custodian of public finance.

56. *Assertion:* The Administrative Reforms Commission of India (ARC) has recommended the adoption of public corporation form in general.

Reason: It suggested that a government company form can be adopted in case of private participation or predominantly trading concerns.

57. *Assertion:* The Prime Minister's Office (PMO) assists the Prime Minister in the discharge of his responsibilities as the head of Union Government.

Reason: It is generally not concerned with Cabinet cases.

58. The Indian Institute of Public Administration was established in:

- (a) 1957

- (b) 1958
- (c) 1954
- (d) 1959

59. Which of the following is not correctly matched?

- (a) ASCI — Hyderabad
- (b) IAASTC — New Delhi
- (c) IIPA — New Delhi
- (d) ISTM — New Delhi

60. The posting of an IAS probationer is decided by:

- (a) Director of LBS National Academy of Administration
- (b) Central Ministry of Personnel
- (c) Chief Minister of state
- (d) Chief Secretary of state

61. “The doctrine of ministerial responsibility has two facets. The minister has complete autonomy within his sphere of authority. As a necessary corollary, he must take full responsibility for the action of his servants.”

This statement is associated with:

- (a) Krishna Menon Committee
- (b) Administrative Reforms Commission
- (c) Chagla Commission
- (d) Gopaldaswamy Ayanagar Report

62. The Administrative Staff College of India was established in:

- (a) 1957
- (b) 1958
- (c) 1959
- (d) 1962

63. In India the ministerial responsibility was upheld for the first time in:

- (a) 1954
- (b) 1956
- (c) 1958
- (d) 1960

64. The grievances of specialists against the generalists includes which of the following?

1. Discrimination in pay and allowances.
 2. Greater and quicker chances of promotion to generalists.
 3. Manning of Secretariat posts by the generalists.
 4. Opportunity enjoyed by the generalists to move from one department to another department.
- (a) 1 and 2
 - (b) 1 and 3
 - (c) 1, 3 and 4

(d) 1, 2, 3 and 4

65. The Indian Administrative Service training school was started in 1947 at:

- (a) Simla
- (b) Mussoorie
- (c) New Delhi
- (d) Mount Abu

66. The National Academy of Administration was set up at Mussoorie in:

- (a) 1954
- (b) 1957
- (c) 1959
- (d) 1958

67. The conditions of service of members of All-India Services are determined by:

- (a) President of India
- (b) Constitution of India
- (c) Parliament of India
- (d) Union Public Service Commission

68. Classification of Central Services under Class I, II, III, and IV was changed into Groups A, B, C and D on the recommendation of:

- (a) Second Pay Commission
- (b) Fourth Pay Commission
- (c) Third Pay Commission
- (d) First Pay Commission

69. The Indian Institute of Public Administration is engaged in:

- 1. Teaching
 - 2. Training
 - 3. Research
 - 4. Publication
- (a) 1, 2 and 3
 - (b) 2 and 4
 - (c) 1, 3 and 4
 - (d) 2, 3 and 4

70. The institute which offers training to both private and public sector employees is:

- (a) ASCI
- (b) NIRD
- (c) IIPA
- (d) ISTM

71. The present system of recruitment to higher civil services in india is based on the recommendations of which of the following committees/commissions?

- 1. Satishchandra Committee

2. Lee Commission
3. Kothari Committee
4. Aitchison Commission
5. Macaulay Committee
 - (a) 1, 3 and 5
 - (b) 1, 2 and 3
 - (c) 2, 3, 4 and 5
 - (d) 3 only

72. The arguments put forward in favour of the All-India Services includes:

1. They facilitate coordination among the Union and the states.
2. Their personnel can man strategic positions due to high standards.
3. They strengthen the principle of ministerial responsibility in the states.
4. They boost the morale of the State Civil Services.
5. They help in ensuring unity and integrity of the country.
 - (a) 1, 2, 3, and 5
 - (b) 2, 3, and 4
 - (c) 1, 2, and 5
 - (d) 2, 4 and 5

73. Which one of the following statements is incorrect?

- (a) Kothari Committee was appointed in 1974.
- (b) Kothari Committee submitted its report in 1976.
- (c) Kothari Committee's recommendations were accepted in 1977.
- (d) Kothari Committee's recommendations were implemented in 1979.

74. The first choice of selection out of the list of successful candidates arranged in order of merit by the UPSC is given to the:

- (a) Ministry of Home Affairs
- (b) Ministry of Finance
- (c) Ministry of External Affairs
- (d) Ministry of Personnel

75. The probationers of which of the following Central Services do not attend the combined foundational training course organised for the probationers of All-India and Central Services at Mussoorie?

- (a) Indian Foreign Services
- (b) Central Secretariat Service
- (c) Indian Postal Service
- (d) Indian Meteorological Service

76. Which of the following statements regarding National Academy of Administration are correct?

1. It started functioning in Mussoorie in 1959.
2. Since 1974, it is called Lal Bahadur Shastri National Academy of Administration.

3. It operates under Cabinet Secretariat.
4. It provides foundational training only to IAS probationers.
5. It was setup by merging the IAS Training School and the IAS staff college.
 - (a) 1, 2, 3 and 5
 - (b) 2, 3 and 4
 - (c) 1 and 5
 - (d) 1, 2 and 4

77. Which of the following civil services finds mention in the Constitution?

1. Indian Administrative Service
2. Indian Forest Service
3. Indian Police Service
4. All-India Judicial Service
5. Indian Foreign Service
 - (a) 1 and 3
 - (b) 1, 2 and 3
 - (c) 1, 3 and 5
 - (d) 1, 3, and 4

78. The correct statements are:

1. The 'sandwich pattern' of training for the IAS probationers was introduced in 1968.
2. The foundational course meant for the training of IAS and other Central Services probationers is of six months.
3. The IAS probationers undergo two spells of training, with a gap of one year between them.
4. The posting of an IAS probationer is decided by Director of LBS National Academy of Administration.
 - (a) 1, 2 and 3
 - (b) 2, 3 and 4
 - (c) 2 and 3
 - (d) 3 only

79. The 'sandwich pattern' of training for the IAS probationers was introduced on the recommendation of:

- (a) P.H. Appleby Report
- (b) UPSC
- (c) Administrative Reforms Commission of India
- (d) National Development Council.

80. Which of the following statements are correct with regard to Indian Institute of Public Administration.

1. It was established in 1953.
2. It is engaged in administrative research.
3. It organises refresher courses for the officers of Central Government, state government and public undertakings.
4. It is engaged in the publication of material on various aspects of administration.

5. Since 1970, it has been organising nine-month advanced professional programme in public administration for senior civil servants.
- 1, 2 and 3
 - 2, 3 and 4
 - 2, 3, 4 and 5
 - 1, 2, 3 and 4
- 81.** Which of the following training institutions are located at New Delhi?
- Administrative Staff College for Educational Planners and Administrators
 - Central Emergency Relief Training Institute
 - Family Planning Training and Research Centre
 - Indian Institute of Mass Communication
 - Institute of Applied Manpower Research
- 1, 2, 4 and 5
 - 1, 3, 4 and 5
 - 2, 3 and 4
 - 3 and 4
- 82.** The correct statements are:
- The generalists and specialists dichotomy originated with the Northcote–Trevelyan Report.
 - The Fulton Committee recommended greater role for specialists.
 - The ARC recommended that Chairmen/Managing Directors or Directors of public enterprises must be generalists.
 - The Macaulay Committee report supported generalist-based administration.
 - The Estimates Committee of Parliament did not recommend the appointment of specialists in higher positions.
- 1 and 4
 - 1, 2, 4 and 5
 - 1, 2 and 4
 - 1, 4 and 5
- 83.** Which of the following are the components of training for Indian Foreign Service?
- Foundational Course at the National Academy of Administration
 - Professional Course at the Foreign Service Institute
 - District training
 - Attachment to a military unit
 - Bharat Darshan Tour
- 1, 2 and 5
 - 2, 3 and 4
 - 1, 3 and 5
 - 1, 2, 4 and 5
- 84.** Which of the following is not a Central Service?
- Archaeological Service
 - Botanical Survey of India

- (c) Geological Survey of India
 - (d) Cooperative Service
- 85.** The Joint Consultative Machinery in India was established on the recommendation of:
- (a) First Pay Commission
 - (b) Second Pay Commission
 - (c) Third Pay Commission
 - (d) Administrative Reforms Commission
- 86.** Which of the following are the principles of compensation for government servants?
1. Social considerations
 2. Maintenance of efficiency
 3. Parity with outside employment
 4. Cost of living
 5. Equal pay for equal work
 6. Political considerations
- (a) 2, 3 and 4
 - (b) 3, 4, 5 and 6
 - (c) 1, 2, 3, 4, 5 and 6
 - (d) 1, 2, 3, 4 and 5
- 87.** Administrative Staff College of India was established on recommendation of:
- (a) Gorwala Report
 - (b) P.H. Appleby
 - (c) ARC of India
 - (d) All India Council for Technical Education
- 88.** Arrange the following forms of disciplinary action in the proper order in terms of intensity:
1. Withholding of promotions
 2. Reduction in rank
 3. Reprimand
 4. Dismissal from service
 5. Recovery from pay
 6. Removal from service
- (a) 3, 1, 5, 2, 6, 4
 - (b) 3, 1, 2, 5, 4, 6
 - (c) 2, 3, 1, 5, 4, 6
 - (d) 2, 1, 3, 4, 5, 6
- 89.** Arrange the following steps involved in initiating disciplinary proceedings in the proper order:
1. Framing of charges against the employees
 2. Suspension of the employees
 3. Giving opportunity to defend
 4. Calling for an explanation from the employees

5. Punishment order
 6. Findings and report
 - (a) 1, 2, 3, 4, 5, 6
 - (b) 4, 5, 6, 3, 2, 1
 - (c) 4, 1, 2, 3, 6, 5
 - (d) 4, 1, 6, 2, 3, 5
- 90.** Which of the following are not included in Joint Consultative Machinery Scheme?
1. Grade A Services
 2. Union territory employees
 3. Police personnel
 4. Central Secretariat Service, Grade B
 - (a) 1, 2, 3 and 4
 - (b) 2, 3 and 4
 - (c) 1, 2 and 3
 - (d) 3 and 4
- 91.** The Chairman of the National Council of Joint Consultative Machinery is:
- (a) Personnel Secretary
 - (b) Home Secretary
 - (c) Finance Secretary
 - (d) Cabinet Secretary
- 92.** In India, the classification of civil services is determined by:
- (a) Civil Services Rules, 1955
 - (b) Civil Services Rules, 1950
 - (c) Civil Services Rules, 1947
 - (d) Civil Services Rules, 1930
- 93.** The conditions of service of persons appointed to Indian Police Service are governed by:
- (a) Indian Police Act, 1961
 - (b) Indian Police Act, 1950
 - (c) All India Services Act, 1951
 - (d) Indian Civil Service Act, 1955
- 94.** Which of the following is not a set of conduct rules for civil servants in India?
- (a) Railway Services (Conduct) Rules, 1956
 - (b) All India Services (Conduct) Rules, 1954
 - (c) Defence Services (Conduct) Rules, 1950
 - (d) Central Civil Services (Conduct) Rules, 1955
- 95.** Which of the following are the major penalties imposed on civil servants?
1. Withholding of promotion
 2. Removal from service
 3. Withholding of increments
 4. Reduction to lower scale

5. Compulsory retirement
 6. Recovery of pecuniary loss
 - (a) 1, 2, 3 and 6
 - (b) 2, 3, 4, and 5
 - (c) 2, 4, 5 and 6
 - (d) 2, 4 and 5
96. The authority to make disciplinary action against an employee of Indian Forest Service is vested in:
- (a) Parliament of India
 - (b) Chairman–UPSC
 - (c) Supreme Court of India
 - (d) President of India
97. Which of the following recommended complete ban of strikes by civil servants?
- (a) First Pay Commission
 - (b) Third Pay Commission
 - (c) Gorwala Report
 - (d) Administration Reforms Commission
98. Whitley Councils were introduced in India for the first time on the recommendation of:
- (a) Administrative Reforms Commission
 - (b) Second Pay Commission
 - (c) First Pay Commission
 - (d) Third Pay Commission
99. Which of the following is not correctly matched?
- (a) Third Pay Commission–1970
 - (b) First Pay Commission–1946
 - (c) Fourth Pay Commission–1983
 - (d) Second Pay Commission–1958
100. Which of the following is not correctly matched?
- (a) Central Civil Services (Conduct) Rules–1955
 - (b) Railway Services (Conduct) Rules–1958
 - (c) All-India Services (Conduct) Rules–1954
 - (d) Railway Services (Conduct) Rules–1956
101. Which of the following principle is the counterpart of the doctrine of ministerial responsibility?
- (a) Neutrality
 - (b) Impersonality
 - (c) Integrity
 - (d) Anonymity

Assertion (A) and Reason (R) Pattern

Answer the following questions by using the codes given below

- (a) Both *A* and *R* are true and *R* is the correct explanation of *A*.
- (b) Both *A* and *R* are true but *R* is not the correct explanation of *A*.
- (c) *A* is true but *R* is false.
- (d) *A* is false but *R* is true.

102. *Assertion:* Indian Forest Service is an All-India Service.

Reason: The States Reorganisation Commission recommended the creation of Indian Forest Service.

103. *Assertion:* The Ministry of Personnel is the managing authority for the IAS.

Reason: The IAS is an All-India Service par excellence.

104. *Assertion:* The Indian Foreign Service is the top most Central service in terms of status, prestige, pay and allowances.

Reason: Its recruits undergo a four-year training programme.

105. *Assertion:* The Indian Forest Service is created as an All-India Service after the Independence.

Reason: The UPSC conducts an exclusive examination consisting of a written test and an interview to select its recruits.

106. *Assertion:* The Staff Selection Commission was created in 1975.

Reason: The Government of India had no centralised agency to make recruitment to Group C.

107. *Assertion:* In case of promotion from Group B to Group A, the departments have to consult the public service commissions.

Reason: Departmental promotion committees are established to handle promotions at the departmental level.

108. *Assertion:* An employee who is appointed through promotion cannot be removed or dismissed by any authority which is subordinate to the authority by which he was promoted.

Reason: Promotion involves a fresh (new) appointment.

109. *Assertion:* Extraordinary leave (leave without pay) is granted when no other leave is admissible.

Reason: It can be granted for more than five years in case of permanent officials.

110. *Assertion:* The principles of neutrality and anonymity do not go together.

Reason: The principle of anonymity flows from the doctrine of ministerial responsibility.

111. *Assertion:* The civil service in a developing society like India plays a very important role.

Reason: The civil servants perform administrative and financial functions only.

Matching Pattern

Match List-I with List-II and select the correct answer by using the codes given below the lists.

112.

List-I

- A. Indian Revenue Service
- B. Indian Forest Service

List -II

- 1. Ministry of Personnel
- 2. Ministry of Home Affairs

- | | |
|---------------------------|---|
| C. Indian Foreign Service | 3. Ministry of Forests and Environments |
| D. Indian Police Service | 4. Ministry of External Affairs |
| | 5. Ministry of Finance |

<i>Codes:</i>	A	B	C	D
(a)	1	3	2	4
(b)	5	4	2	1
(c)	5	3	4	2
(d)	1	5	2	4

113.

<i>List-I</i>	<i>List-II</i>
A. O and M Division	1. 1964
B. Department of Administrative Reforms	2. 1954
C. Department of Personnel	3. 1985
D. Ministry of Personnel	4. 1970

<i>Codes:</i>	A	B	C	D
(a)	1	2	4	3
(b)	2	1	4	3
(c)	2	1	3	4
(d)	3	2	4	1

114.

<i>List-I</i>	<i>List-II</i>
A. Orientation training	1. Administrative Staff College
B. Central training	2. National Police Academy
C. Professional training	3. National Academy of Administration
D. In-service training	4. National Institute of Rural Development

<i>Codes:</i>	A	B	C	D
(a)	4	2	1	3
(b)	4	3	2	1
(c)	3	1	2	4
(d)	3	4	2	1

115.

<i>List-I (Training agencies)</i>	<i>List-II (Setup in)</i>
A. Administrative Staff College of India	1. 1948
B. National Institute of Rural Development	2. 1954
C. Indian Institute of Public Administration	3. 1958
D. Institute of Secretariat Training and Management	4. 1959
	5. 1957

<i>Codes:</i>	A	B	C	D
(a)	5	3	2	1

(b)	3	5	1	2
(c)	3	4	2	5
(d)	5	4	1	3

116.

<i>List-I</i> (Training Institutions)		<i>List-II</i> (Located at)	
A.	All-India Institute of Local Self-government	1.	Ahmedabad
B.	National Forest Research Institute	2.	Nagpur
C.	Indian Institute of Management	3.	Shimla
D.	Income Tax Training School	4.	Mumbai
		5.	Dehradun

<i>Codes:</i>	A	B	C	D
(a)	5	3	1	4
(b)	3	4	2	5
(c)	5	4	2	1
(d)	4	5	1	2

117.

<i>List -I</i> (Training agencies)		<i>List-II</i> (Located at)	
A.	Central Audit and Accounts Training School	1.	Hyderabad
B.	Railway Staff College	2.	Mussoorie
C.	National Academy of Administration	3.	Shimla
D.	National Police Academy	4.	Nagpur
		5.	Baroda

<i>Codes:</i>	A	B	C	D
(a)	4	5	2	1
(b)	3	5	2	1
(c)	3	4	1	5
(d)	3	4	2	1

118.

<i>List-I</i> (Committees)		<i>List-II</i> (Related to)	
A.	All-India Council for Technical Education	1.	National Police Academy
B.	P.H. Appleby Report	2.	Department of Personnel
C.	Kohli Committee	3.	Indian Institute of Public Administration
D.	Administrative Reforms Commission.	4.	Administrative Staff College
		5.	Indian Foreign Service

<i>Codes:</i>	A	B	C	D
(a)	4	3	5	2
(b)	5	4	1	3
(c)	4	3	1	2
(d)	5	4	2	3

119.

<i>List-I</i> (Ministers)		<i>List-II</i> (Conflicted with secretaries)	
A.	Gulzari Lal Nanda	1.	H.M. Patel
B.	Rajiv Gandhi	2.	B.C. Ganguli
C.	T.T Krishnamachari	3.	L.P. Singh
D.	K. Hanumanthaiya	4.	A.P. Venkateswaran

<i>Codes:</i>	A	B	C	D
(a)	2	4	3	1
(b)	3	1	2	4
(c)	3	4	1	2
(d)	2	3	4	1

120.

<i>List-I</i>		<i>List-II</i>	
A.	Creation of Indian Economic Service	1.	1947
B.	Creation of Indian Administrative Service	2.	1956
C.	Creation of Central Secretariat Service	3.	1963
D.	Creation of Indian Forest Service.	4.	1961
		5.	1948

<i>Codes:</i>	A	B	C	D
(a)	3	2	5	1
(b)	4	3	2	5
(c)	4	1	5	3
(d)	3	4	2	1

121.

<i>List-I</i> (Commissions)		<i>List-II</i> (Related to)	
A.	Chagla Commission	1.	Training of Indian Foreign Service
B.	Administration Reforms Commission	2.	Ministerial responsibility
C.	Gore Committee	3.	Strengthening of All-India Services
D.	Sarkaria Commission	4.	Training of IPS
		5.	Functional field for IAS

<i>Codes:</i>	A	B	C	D
(a)	3	4	2	1
(b)	5	3	1	4
(c)	2	5	4	3
(d)	2	5	1	3

122.

<i>List-I</i>	<i>List-II</i>
A. Invalid pension	1. Granted to a public servant who retires after attaining t of superannuation.

- | | |
|---------------------------|---|
| B. Superannuation pension | 2. Granted to a public servant whose permanent post is abolished. |
| C. Compensation pension | 3. Granted to a public servant who retires on account of a bodily or mental infirmity. |
| D. Retiring pension | 4. Granted to a public servant who is removed from service on account of misconduct. |
| | 5. Granted to a public servant who retires after completing a fixed period of qualifying service. |

<i>Codes:</i>	A	B	C	D
(a)	5	2	3	1
(b)	3	1	2	5
(c)	5	1	2	4
(d)	3	2	1	5

123.

<i>List-I</i>	<i>List-II</i>
A. Third Pay Commission	1. Varadachariar
B. First Pay Commission	2. Raghubir Dayal
C. Fourth Pay Commission	3. Jagannath Das
D. Second Pay Commission	4. Singhal
	5. Rajamannar

<i>Codes:</i>	A	B	C	D
(a)	1	3	4	5
(b)	3	2	1	4
(c)	2	1	4	3
(d)	2	3	5	1

124. The Performance budget was introduced in India on the recommendation of:

- (a) Estimates Committee
- (b) Appleby Report
- (c) Comptroller and Auditor-General of India
- (d) Administrative Reforms Commission

125. The creator of zero-based budgeting was:

- (a) Peter A. Phyrr
- (b) Jimmy Carter
- (c) Guy Peters
- (d) Hoover Commission

126. The Performance budget was introduced in India in:

- (a) 1958
- (b) 1968
- (c) 1978

(d) 1964

127. Preparation of the budget is the responsibility of:

- (a) Department of Revenue
- (b) Department of Expenditure
- (c) Department of Economic Affairs
- (d) Department of Budget

128. Which of the following is not a principle of budget making?

- (a) The budget must be a balanced one
- (b) Budgeting should be net and not gross
- (c) Estimating should close
- (d) The Rule of Lapse

129. Which of the following are the advantages of zero-based budgeting?

- 1. It eliminates low priority programmes.
 - 2. It improves programme effectiveness dramatically.
 - 3. It brings out the programmes and accomplishments in financial and physical terms.
 - 4. It makes the high impact programmes to obtain more finances.
 - 5. It reduces tax increases.
- (a) 2 and 4
 - (b) 2, 3 and 4
 - (c) 1, 2, 4 and 5
 - (d) 1, 2, 3, 4 and 5

130. The Rule of Lapse as a principle of budgeting is inherent in the principle of:

- (a) Form of estimates to correspond to form of accounts
- (b) Estimating should be close
- (c) One budget for all financial transactions
- (d) Annuality of the budget

131. Which of the following figures are taken as the basis for the preparation of the budget?

- 1. Actual figures of the previous year.
 - 2. Sanctioned budget estimates for the current year.
 - 3. Revised estimates of the current year.
 - 4. Proposed estimates for the next year.
 - 5. Actuals of the current year available at the time of preparation of the estimates.
 - 6. Actuals for the corresponding period of the previous year.
- (a) 1, 2 and 4
 - (b) 2, 3 and 5
 - (c) 2, 3 and 4
 - (d) 1, 2, 3, 4, 5 and 6

132. Arrange the following tiers in the classification of accounting structure in proper order:

- 1. Major head
- 2. Subhead

3. Sectoral head
4. Detailed head
5. Minor head
 - (a) 1, 4, 2, 3, 5
 - (b) 3, 2, 1, 5, 4
 - (c) 3, 1, 5, 2, 4
 - (d) 1, 3, 2, 5, 4

133. The Secretary of the ministry who is the chief accounting authority of the ministry discharges his responsibility in this regard through the:

- (a) Principal Accounts Officer
- (b) Public Accounts Committee
- (c) Controller-General of Accounts
- (d) Integrated Financial advisor

134. The scheme of Integrated Financial Advisors was introduced in all the ministries of the Government of India in:

- (a) 1974
- (b) 1972
- (c) 1976
- (d) 1978

135. According to the Administrative Reforms Commission, the financial year should begin on:

- (a) 1st November
- (b) 1st July
- (c) 1st September
- (d) 1st January

136. Which of the following are the principles of budgeting?

1. The budget should be a balanced one.
2. Integration of the revenue and capital aspects.
3. Estimates on a departmental basis.
4. Estimates should be on a revenue basis.
5. Budgeting should be net and not gross.
 - (a) 1, 3 and 5
 - (b) 1 and 3
 - (c) 1, 2 and 4
 - (d) 1, 3 and 4

137. Who/which of the following first recommended the introduction of performance budget in India?

- (a) An American Expert, Frank W. Krause
- (b) Administrative Reforms Commission
- (c) Paul. H. Appleby
- (d) Estimates Committee

138. Which of the following statements are incorrect about budget?

1. It is a tool of legislative control over executive.
 2. It is a tool of executive control over administration.
 3. It is a tool of judicial control over administration.
 4. It is a tool of citizens' control over administration.
 5. It is an instrument of social and economic change in the society.
- (a) 1, 2 and 5
(b) 3 and 4
(c) 1 and 5
(d) 1, 2 and 3

Matching Pattern

Match List-I with List-II and select the correct answer by using the codes given below the lists.

139.

<i>List-I</i>	<i>List-II</i>
A. Cash budget	1. France
B. Dual budget	2. Britain
C. Revenue budget	3. USA
D. Single budget	4. India

<i>Codes:</i>	A	B	C	D
(a)	2	4	3	1
(b)	4	3	2	1
(c)	3	1	4	2
(d)	3	4	1	2

140.

<i>List-I</i>	<i>List-II</i>
A. Railway Budget	1. 1950
B. Comptroller and Auditor-General	2. 1921
C. Integrated Financial Advisor	3. 1921
D. Public Accounts Committee	4. 1976

<i>Codes:</i>	A	B	C	D
(a)	3	2	4	1
(b)	1	3	2	4
(c)	3	1	4	2
(d)	3	1	2	4

Assertion (A) and Reason (R) Pattern

Answer the following questions by using the codes given below.

- (a) Both *A* and *R* are true and *R* is the correct explanation of *A*.
- (b) Both *A* and *R* are true but *R* is not a correct explanation of *A*.
- (c) *A* is true but *R* is false.
- (d) *A* is false but *R* is true.

141. *Assertion:* The budget is prepared under the leadership and direction of the Ministry of Finance.

Reason: The Ministry of Finance is the central financial agency of the Government of India.

142. *Assertion:* The Ministry of Finance supervises the expenditure of administrative ministries.

Reason: It carries out the financial policies of the government of India.

143. *Assertion:* The financial system in India has been traditionally centralised.

Reason: The Finance Ministry has been exercising the overall financial control and supervision.

144. *Assertion:* The budget should be prepared on the basis of gross estimates and not net estimates.

Reason: It makes the parliamentary control over public expenditure meaningful.

145. The techniques of citizens' control over administration are:

1. Election
 2. Public opinion
 3. Pressure groups
 4. Advisory committees
 5. Recall
- (a) 1, 2, 3 and 4
 - (b) 2, 3 and 5
 - (c) 3, 4 and 5
 - (d) 1, 2, 3, 4 and 5

146. Which of the following is not a tool of executive control over public administration?

- (a) Power of appointment and removal
- (b) Line agencies
- (c) Appeal to public opinion
- (d) Civil services code

147. The judicial control over administrative acts emanates from the Doctrine of:

- (a) Separation of powers
- (b) Judicial review
- (c) Rule of law
- (d) Delegated legislation

148. The first country in the world to introduce the right to information was:

- (a) Norway
- (b) USA
- (c) Sweden
- (d) Finland

149. Which of the following is not a formal instrument of executive control over administration?

- (a) Political direction
- (b) Personnel management
- (c) Ordinances
- (d) Professional ethics

150. In the context of judicial control over administration, malfeasance stands for:

- (a) Error of law
- (b) Error of fact-finding
- (c) Abuse of authority
- (d) Error of procedure

151. Which one of the following is not a means of executive control over administration?

- (a) Civil service code
- (b) Advisory agencies
- (c) Appeal to public opinion
- (d) Statutory appeal

152. Which of the following are the means of citizens' control over administration?

1. Pressure groups
 2. Statutory appeals
 3. Recall
 4. Election
 5. Advisory committees
- (a) 2, 3 and 4
 - (b) 1, 4 and 5
 - (c) 1, 3, 4 and 5
 - (d) 1, 3 and 4

153. The most effective means of citizens' control over administration is:

- (a) Election
- (b) Pressure Groups
- (c) Advisory Committees
- (d) Public Opinion

154. Which of the following are the means of judicial control over administration?

1. Suits against government
 2. Judicial review
 3. Rule of law
 4. Statutory appeal
 5. Droit administratif
- (a) 1, 2 and 3
 - (b) 1, 2 and 4
 - (c) 2, 4 and 5
 - (d) 1, 3 and 5

155. Which of the following are not the means of judicial control over administration?

1. Criminal and civil suits against public officials
 2. Delegated legislation
 3. Writs
 4. Administrative adjudication
 5. Lack of jurisdiction
- (a) 1 and 3
 - (b) 1, 3 and 5
 - (c) 2 and 4
 - (d) 2, 4 and 5

156. Which of the following are the limitations of judicial control over administration?

1. Its intervention takes place only when it is sought by the affected person.
 2. It is a post mortem control.
 3. Statutory limitations in certain cases.
 4. Error of fact-finding.
 5. Technical nature of the administrative activities.
- (a) 1, 2 and 3
 - (b) 2, 3 and 5
 - (c) 2, 3 and 4
 - (d) 1, 2, 3 and 5

157. Which of the following are the staff agencies used by the executive to control administration in India?

1. Cabinet Secretariat
 2. Department of Administrative Reforms
 3. Union Public Service Commission
 4. Planning Commission
 5. Comptroller and Auditor-General of India
- (a) 1, 3 and 4
 - (b) 2, 4 and 5
 - (c) 2, 3 and 4
 - (d) 1, 2 and 4

158. In the context of judicial control over administration, misfeasance stands for:

- (a) Lack of jurisdiction
- (b) Error of law
- (c) Abuse of authority
- (d) Error of procedure

159. The least effective means of executive control over administration is:

- (a) Executive legislation
- (b) Budgetary system
- (c) Staff agencies

(d) Appeal to public opinion

160. The primary objective of judicial control over administration is:

- (a) To restrict the discretion and arbitrariness of administrative agencies.
- (b) To help in redressing the grievances of citizens.
- (c) To safeguard the rights and liberty of the citizens.
- (d) To contain and penalise the wrongful acts of government officials.

Assertion (A) and Reason (R) Pattern

Answer the following questions by using the codes given below.

- (a) Both *A* and *R* are true and *R* is the correct explanation of *A*.
- (b) Both *A* and *R* are true but *R* is not a correct explanation of *A*.
- (c) *A* is true but *R* is false.
- (d) *A* is false but *R* is true.

161. *Assertion*: The public administration is subject to judicial control.

Reason: Any illegal administrative act can be challenged in the court of law.

162. *Assertion*: Democratic administration means much more than electing the representatives who make policies.

Reason: It ensures people's participation in the administrative process.

163. *Assertion*: The Finance Ministry exercises financial control over administrative ministries.

Reason: It is responsible for the formulation and execution of the budget.

164. *Assertion*: Public administration is influenced by the pressure groups.

Reason: Their activities are always legitimate.

165. *Assertion*: Legislative control over administration in a parliamentary system is different from that of presidential system.

Reason: An important feature of democratic government is the legislative control over administration.

166. *Assertion*: Judicial control over administration emanates from the principle of judicial review.

Reason: Judicial review means the power of the courts to declare the laws and orders of the government as invalid if they are against the constitution.

Matching Pattern

Match List-I with List-II and select correct answer by using the codes given below the lists.

167.

<i>List-I</i>	<i>List-II</i>
A. No Confidence Motion	1. Executive control
B. Budget	2. Judicial control
C. Mandamus	3. Legislative control
D. Lokayuktas	4. Citizens' control

<i>Codes:</i>	A	B	C	D
(a)	2	1	4	3
(b)	4	1	2	3
(c)	3	1	4	2
(d)	3	1	2	4

168.

<i>List-I</i> (Types of control)		<i>List-II</i> (Means of control)	
A.	Judicial control	1.	Interpellations
B.	Legislative control	2.	Appeal to public opinion
C.	Citizens' control	3.	Statutory Appeal
D.	Executive control	4.	Recall

<i>Codes:</i>	A	B	C	D
(a)	3	1	4	2
(b)	4	3	2	1
(c)	3	4	1	2
(d)	2	4	1	3

169. The functions performed by the Chief Secretary at the state level are performed at the Central level by:

1. Cabinet Secretary
 2. Rural Development Secretary
 3. Defence Secretary
 4. Personnel Secretary
- (a) 1, 3 and 4
(b) 1, 2 and 3
(c) 1 and 4
(d) 1, 2 and 4

170. District administration stands for:

1. Law and order administration within a district
 2. Revenue administration within a district
 3. Development administration within a district
 4. Public administration within a district
- (a) 1 only
(b) 2 only
(c) 1, 2 and 3
(d) 4 only

171. The office of a District Collector was created by:

- (a) Robert Clive
- (b) Lord Cornwallis
- (c) Lord Warren Hastings
- (d) Lord Wellesley

172. Who of the following compared the District Collector to a tortoise on whose back stood the elephant of the Government of India?
- Sir George Campbell
 - Sir William Wilson
 - The Imperial Gazetteer of India
 - Ramsay MacDonald
173. The Chief Secretary is described as a *Residual Legatee* which means that:
- He is the chief advisor to the Chief Minister.
 - He is the Secretary to the state Cabinet.
 - He is the head of the civil services in the state.
 - He looks after those matters which do not fall within the sphere of other secretaries.
174. Which of the following statements are true about the Chief Secretary?
- He acts as the chief public relations officer of the government.
 - He acts as the channel of communication in intergovernmental matters.
 - He is the only advisor to the Chief Minister.
 - In 1974, the post of Chief Secretary was brought on par with that of the Secretary to the Government of India.
- 1, 3 and 4
 - 1, 2 and 4
 - 1 and 2
 - 2 and 4
175. Arrange the following in ascending order:
- Tehsil*
 - Sub-division
 - Village
 - Pargana*
- 2, 1, 4, 3
 - 2, 1, 3, 4
 - 3, 4, 1, 2
 - 3, 4, 2, 1
176. Which of the following departments at the district level is headed by the District Collector?
- Revenue Department and Police Department
 - Police Department and General Administration Dept
 - General Administration Department and Judicial Department
 - Revenue and General Administration Department
177. Who of the following act as the Returning Officer for elections to parliamentary and assembly constituencies?
- Superintendent of Police
 - District Judge
 - Divisional Commissioner

(d) District Collector

178. The District Collector belongs to which of the following departments of the state government?

- (a) Revenue Department
- (b) Home Department
- (c) Rural Development Department
- (d) General Administrative Department

179. Which of the following is the basic territorial unit of administration in India?

- (a) Revenue Division/Sub-division
- (b) *Tehsil/Mandal*
- (c) District/Zila
- (d) Village

180. The office of the District Collector was created in India in:

- (a) 1771
- (b) 1772
- (c) 1774
- (d) 1777

181. In which of the following states the District Collector is known as the district magistrate?

- 1. Jammu and Kashmir
 - 2. Uttar Pradesh
 - 3. Assam
 - 4. West Bengal
- (a) 1 and 2
 - (b) 2 and 3
 - (c) 2 and 4
 - (d) 1 and 4

182. Which of the following are the common functions performed by the Chief Secretary and the Cabinet Secretary?

- 1. Both are chief coordinators of their respective administrations.
 - 2. Both are chief advisors to their respective chief executives.
 - 3. Both are administrative heads of their respective secretariats.
 - 4. Both are secretaries to their respective cabinets.
 - 5. Both are administrative heads of their respective cabinet secretariats.
- (a) 1, 2, 3, and 4
 - (b) 2, 3 and 4
 - (c) 1, 2, 4 and 5
 - (d) 3, 4 and 5

183. Which of the following state Secretariat department is headed by a specialist civil servant secretary?

- (a) Agriculture Department
- (b) Irrigation and Power Department

(c) Excise and Taxation Department

(d) Public Works Department

184. Who of the following officers of the Housing Department is/are most prominently associated with the formulation of policy at the state level?

(a) Housing Commissioner

(b) The Secretary of the Housing Department and Housing Commissioner

(c) The Secretary of the Housing Department, Housing Commissioner, Additional Commissioner and Joint Commissioner

(d) The Secretary of the Housing Department

185. Which of the following factors are responsible for the decline of the District Collector's prestige and authority in the post-Independence period?

1. Change in the form of the government.

2. Growth in the number of departments in districts.

3. The emergence of Panchayati Raj.

4. Change in the ends and objectives of the government.

5. Rise of Commissionerate system of law and order administration.

(a) 1, 3 and 4

(b) 1, 2 and 5

(c) 2, 3 and 5

(d) 1, 2, 3, 4 and 5

186. The incumbent to the post of Chief Secretary is selected by the:

(a) Cabinet Ministers

(b) Governor

(c) Chief Minister

(d) Prime Minister

187. The most important department in the State Secretariat is:

(a) Home

(b) Finance

(c) General Administration

(d) Personnel

188. The Directorate in the state administration is:

(a) A policy-making agency

(b) A constitutional agency

(c) A statutory agency

(d) An executive agency

189. Which of the following statements about Chief Secretary and Cabinet Secretary are correct?

1. Both offices originated at the Central level.

2. The powers and functions of both are equal.

3. Both supervises the implementation of the decisions of their respective cabinets.

4. The office of Cabinet Secretary originated at the Central level, while that of Chief Secretary at the state level.
5. The powers and functions of both are unequal.
 - (a) 1, 2 and 3
 - (b) 2, 3 and 4
 - (c) 3, 4 and 5
 - (d) 1, 3 and 5

190. The most commonly used nomenclature for the head of a Directorate in the state administration is:

- (a) Secretary
- (b) Registrar
- (c) Commissioner
- (d) Director

191. The functions of the Chief Secretary includes:

1. Acting as the ex-officio Secretary to the state council of ministers.
2. Acting as the Secretary to the Chief Minister.
3. Acting as the principal advisor to the Chief Minister.
4. Acting as the principal advisor to the Governor.
5. Acting as the Secretary to the state cabinet.
 - (a) 1, 2 and 3
 - (b) 1, 3 and 5
 - (c) 3 and 5
 - (d) 2, 3 and 4

192. Which of the following factors are/is not responsible for the decline in the prestige and authority of a District Collector in the post-Independence era?

1. Replacement of police state by the welfare state
2. Separation of judiciary from the executive
3. Replacement of the ICS by the IAS
4. Increasing political consciousness of the people
5. Replacement of unitary state by a federal one
 - (a) 1, 3 and 5
 - (b) 2, 3 and 4
 - (c) 3 and 5
 - (d) only 5

Assertion (A) and Reason (R) Pattern

Answer the following questions by using the codes given below:

- (a) Both *A* and *R* are true and *R* is the correct explanation of *A*.
- (b) Both *A* and *R* are true but *R* is not a correct explanation of *A*.
- (c) *A* is true but *R* is false.

(d) *A* is false but *R* is true.

193. *Assertion:* The Chief Secretary is not the Administrative head of the State Secretariat.

Reason: The Cabinet Secretary is not the administrative head of the Central Secretariat.

194. *Assertion:* A collector's functions and duties cannot be defined in a clearcut manner.

Reason: He is the head of district administration and an agent of state government in the district.

195. *Assertion:* A Secretary in the State Secretariat is the Secretary to the state government as a whole, not to his minister alone.

Reason: A State Secretariat is a policy-making body.

Matching Pattern

Match List-I with List-II and select the correct answer by using the codes given below the lists.

196.

List-I

- A. Chief Executive Officer
- B. District Revenue Officer
- C. Additional District Magistrate
- D. District Development Officer

List-II

- 1. Uttar Pradesh
- 2. Gujarat
- 3. Maharashtra
- 4. Tamil Nadu
- 5. Rajasthan

<i>Codes:</i>	A	B	C	D
(a)	2	4	1	3
(b)	2	5	4	3
(c)	3	2	1	4
(d)	3	4	1	2

197.

List-I

- A. *Firka*
- B. *Pargana*
- C. *Prant*
- D. Circle

List-II

- 1. Maharashtra
- 2. Tamil Nadu
- 3. Uttar Pradesh
- 4. Punjab
- 5. Maharashtra

<i>Codes:</i>	A	B	C	D
(a)	3	2	4	1
(b)	2	3	5	4
(c)	2	3	5	1
(d)	5	2	4	1

198.

List I (Institutions)

- A. Board of Revenue

List II (Originated in)

- 1. 1687

B. Municipal Corporation	2. 1799
C. Divisional Commissioner	3. 1786
D. District Collector	4. 1829
	5. 1772

<i>Codes:</i>	A	B	C	D
(a)	3	1	4	5
(b)	2	4	3	1
(c)	2	3	1	4
(d)	3	1	5	4

199.

<i>List I (Village Functionaries)</i>	<i>List II (Present in)</i>
A. <i>Lekhpal</i>	1. Maharashtra
B. <i>Talati</i>	2. Tamil Nadu
C. <i>Karnam</i>	3. Maharashtra
D. <i>patel</i>	4. UP
	5. MP

<i>Codes:</i>	A	B	C	D
(a)	3	4	5	1
(b)	5	3	1	4
(c)	4	5	2	3
(d)	4	3	2	1

200.

<i>List I (Name of executive agency)</i>	<i>List II (Designation of head)</i>
A. Animal Husbandry Department	1. Inspector-General
B. Labour Department	2. Registrar
C. Jail Department	3. Director
D. Cooperative Department	4. Chief Conservator
	5. Commissioner

<i>Codes:</i>	A	B	C	D
(a)	5	3	2	4
(b)	3	5	1	2
(c)	3	2	5	4
(d)	5	2	3	1

201.

<i>List I (Agencies)</i>	<i>List II (Present in)</i>
A. Board of Revenue	1. Gujarat
B. Financial Commissioner	2. Tamil Nadu
C. Revenue Tribunal	3. Punjab

<i>Codes:</i>	A	B	C
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(a)	3	2	1
(b)	2	3	1
(c)	2	1	3
(d)	3	1	2

202.

<i>list-I</i>	<i>List II</i>
A. De facto ruler	1. Secretariat
B. Policy making	2. Governor
C. De jure ruler	3. Directorate
D. Policy implementation	4. Chief Minister
	5. Chief Secretary

<i>Codes:</i>	A	B	C	D
(a)	5	2	3	4
(b)	4	1	2	3
(c)	3	4	5	1
(d)	2	5	4	3

203. Arrange the following officials of the State Secretariat in descending order:

- Under Secretary
 - Joint Secretary
 - Special Secretary
 - Assistant Secretary
 - Deputy Secretary
- (a) 2, 3, 5, 1, 4
(b) 3, 2, 5, 4, 1
(c) 3, 2, 5, 1, 4
(d) 2, 3, 5, 4, 1

204. Which of the following statements with regard to the Prime Minister's Office/Secretariat are incorrect?

- It came into being in 1950.
 - It enjoys constitutional status.
 - Since 1978, it is known as the Prime Minister's Office.
 - It has no attached or subordinate office under it.
- (a) 1, 2 and 4
(b) 1, 2 and 3
(c) 2, 3 and 4
(d) 2 and 3

205. Which of the following are correct with regard to the similarities between a Government Company and Public Corporation?

- The employees of both are not civil servants.
- Both are generally not subject to budget, accounting and audit laws and procedures

applicable to government departments.

3. Both have a distinct legal personality.
4. The governing boards of both are constituted by the government.
 - (a) 1, 2 and 3
 - (b) 2, 3 and 4
 - (c) 1, 2, 3 and 4
 - (d) 1, 2 and 4

206. Which of the following departments were set up in 1843 when the Secretariat of the 'Supreme Government' was separated from that of the Government of Bengal?

1. Public Department
2. Military Department
3. Finance Department
4. Home Department
5. Foreign Department
 - (a) 1, 2 and 4
 - (b) 2, 3, 4 and 5
 - (c) 2, 3 and 4
 - (d) 3, 4 and 5

207. The Directorate of Public Grievances was set up as an organ of Cabinet Secretariat in:

- (a) 1978
- (b) 1984
- (c) 1986
- (d) 1988

208. In which of the following classes of cases, the judiciary can intervene in administrative activities?

1. Error in the finding of facts
2. Error of procedure
3. Abuse of discretion
4. Lack of jurisdiction
5. Error of law
 - (a) 1, 3 and 4
 - (b) 1, 2 and 4
 - (c) 3 and 5
 - (d) 1, 2, 3, 4 and 5

209. Which of the following statements are incorrect?

1. The budgets of union territories are included in the budget of the Central Government.
2. Finance Ministry's previous permission is necessary to include new items in the estimates of the ministries/departments.
3. If there is a difference of opinion between the Administrative Ministry and the Finance Ministry upon the inclusion of a scheme in the budget estimates, the decision of the latter is final.

4. The concerned Integrated Financial Advisor has to approve the new schemes of ministries before their submissal to the Finance Ministry and the Planning Commission.
- (a) 2 and 3
 - (b) 3 and 4
 - (c) Only 3
 - (d) 2 and 3

210. The scrutiny exercised by the Ministry of Finance over budgetary estimates prepared by the Administrative Ministries:

- 1. Is mainly from the point of view of the policy of the expenditure.
- 2. Is nominal with regard to standing charges.
- 3. Is mainly from the point of view of economy and availability of funds.
- 4. Is more detailed in respect to new items.

Of the above, the correct statements are:

- (a) 3 and 4
- (b) 1, 2, 3 and 4
- (c) 2, 3 and 4
- (d) 2 and 4

211. Which of the following are true about the office of District Collector?

- 1. It was created in 1774.
- 2. It has many parallels in the administrative system of other countries.
- 3. It was created by Warren Hastings.
- 4. It succeeded the *Karori-Faujdar* of Mughal period.

- (a) 1, 3 and 4
- (b) 2, 3 and 4
- (c) 2 and 3
- (d) 3 and 4

212. Which of the following are the reasons for the deteriorating relations between ministers and secretaries?

- 1. Ministers do not encourage free, frank and impartial advice from the secretaries.
- 2. Lack of proper understanding with regard to their respective roles.
- 3. Attitude of the ministers to blame their secretaries for their failures.
- 4. Their respective roles are not defined.

- (a) 1, 2 and 3
- (b) 1, 3 and 4
- (c) 2, 3 and 4
- (d) 3 and 4

213. Which of the following are the objectives of the foundational training course imparted to higher civil services at Mussoorie?

- 1. To provide an understanding of the constitutional, economic, social, political, administrative and cultural context, within which the administrators have to function.
- 2. To develop a feeling of belongingness and a common outlook among the members of the higher civil service.

3. To inculcate-professional, administrative and human values among the probationers.
4. To prepare the probationers for higher positions and greater responsibilities.
 - (a) 1, 2 and 4
 - (b) 2, 3 and 4
 - (c) 1, 2, 3 and 4
 - (d) 1, 2 and 3

214. Which of the following principles means that the civil servant would merely advise the political executive from behind the curtain?

- (a) Neutrality
- (b) Commitment
- (c) Impersonality
- (d) Anonymity

215. Which one of the following is not a function of a District Collector?

- (a) Welfare of the agriculturists
- (b) Civil defence
- (c) Welfare of the members of the armed forces
- (d) Settlement of criminal cases.

216. *Assertion (A)* : The relationship between the Secretariat and the Directorates in state administration has assumed the character of a controversy.

Reason (R): There is no demarcation of functions between the Secretariat and the Directorates.

Select the correct code:

- (a) Both *A* and *R* are true and *R* is the correct explanation of *A*.
- (b) Both *A* and *R* are true but *R* is not a correct explanation of *A*.
- (c) *A* is true but *R* is false.
- (d) *A* is false but *R* is true.

217. Which of the following are true?

1. Estimates Committee recommended the separation of accounts from audit.
2. Muddiman Committee is the first one to advocate separation of accounts from audit.
3. Separation of accounts from audit led to the departmentalisation of accounts in the Central Government.
4. Union territories have separated accounts from audit.
5. Under the present system, the Secretary of the Ministry is the chief accounting authority.
 - (a) 1, 3, 4 and 5
 - (b) 1, 2, 3 and 5
 - (c) 3, 4 and 5
 - (d) 1, 3 and 5

218. Which of the following are the British legacies in Indian Administration?

1. Administrative Training
2. Bicameralism

3. Division of powers between the Centre and states
4. Police administration
5. Anonymity of civil service
 - (a) 1, 2 and 4
 - (b) 2, 4 and 5
 - (c) 2, 3, 4 and 5
 - (d) 1, 2, 3, 4 and 5

219. Which of the following are true of Prime Minister's Office ?

1. It enjoys the status of a department under the GOI Allocation of Business Rules.
2. It is responsible for the PM functioning as head of the Cabinet.
3. It was strengthened for the first time during the period of Indira Gandhi.
4. It has affected the status and position of the Cabinet Secretariat.
 - (a) 1 and 4
 - (b) 1 and 3
 - (c) 1, 2 and 4
 - (d) 1, 3 and 4

220. Which of the following are true of a Cabinet Secretary?

1. The office of Cabinet Secretary was created on the recommendation of A.D. Gorwala Report.
2. He took the place of the Secretary to the Governor-General (Personal).
3. He is in no sense, the invigilator on behalf of the Prime Minister.
4. His role is also of an advisor and conscience-keeper to all permanent officials.
 - (a) 1 and 4
 - (b) 2 and 4
 - (c) 3 and 4
 - (d) 2, 3 and 4

221. *Assertion (A):* The Union Home Ministry is the advisory and coordinating body in the field of law and order administration.

Reason (R): The main responsibility for law and order lies with states.

Select the correct code:

- (a) Both *A* and *R* are true and *R* is the correct explanation of *A*.
- (b) Both *A* and *R* are true but *R* is not a correct explanation of *A*.
- (c) *A* is true but *R* is false.
- (d) *A* is false but *R* is true.

222. Which of the following are the statutory bodies?

1. Central Water and Power Commission
2. Railway Board
3. Central Board of Revenue
4. Central Social Welfare Board
5. Oil and Natural Gas Commission
 - (a) 1, 2 and 4

- (b) 2, 3 and 4
- (c) 1, 2, 3 and 5
- (d) 2, 3 and 5

223. Match the following:

<i>List-I</i>	<i>List-II</i>
A. Introduction of performance budget in India	1. 1976
B. Separation of accounting from audit	2. 1975
C. Introduction of the scheme of delegation of financial powers	3. 1968
D. Introduction of the scheme of Integrated Financial Advisors	4. 1958 5. 1976

<i>Codes:</i>	A	B	C	D
(a)	2	1	4	5
(b)	5	1	3	2
(c)	3	2	4	5
(d)	3	5	4	1

224. Which of the following are provided by the LBS National Academy of Administration?

1. Professional training for the IAS probationers.
 2. One-week training programme for the senior officers.
 3. A combined foundational course for all the probationers of the All-India Services and Group 'A' Central Services.
 4. Management Development Programme of four weeks for the senior IAS officers.
- (a) 1 and 3
 - (b) 1, 3 and 4
 - (c) 1, 2 and 3
 - (d) 1, 2, 3 and 4

225. Which of the following are the principles governing the relationship between political and permanent executives?

1. The civil servant enjoys full freedom to express himself frankly in tendering advice to his minister.
 2. The civil servant should observe the principles of neutrality, anonymity and impartiality.
 3. The civil servant should execute faithfully all policies and decisions of the minister even when they are against the advice tendered by him.
 4. The civil servant has the ultimate prerogative in policy-making.
- (a) 2, 3 and 4
 - (b) 1, 2 and 4
 - (c) 1, 2 and 3
 - (d) 2 and 3

226. The arguments put forward against All-India Services include:

1. They restrict the autonomy and patronage of states.
2. They involve larger expenditure on the state governments.

3. They do not facilitate inter-change of experience.
4. Their members are not familiar with the local language and culture.
 - (a) 1, 2, 3 and 4
 - (b) 1, 2 and 4
 - (c) 2, 3 and 4
 - (d) 1 and 4

227. Civil service code as a means of executive control over administration covers which of the following matters?

1. Integrity of officials
2. Marital restrictions
3. Financial transactions of civil servants
4. Loyalty to the state
5. Political activities of civil servants
 - (a) 1, 2 and 5
 - (b) 1, 2, 3, 4 and 5
 - (c) 2, 3 and 4
 - (d) 3 and 4

228. Which of the following are the functions of Prime Minister's Office?

1. To help the PM discharge his responsibilities as the Chairman of the National Development Council.
2. To liaise with the state governments on matters in which the PM is interested.
3. To help the PM discharge his duties as head of the Cabinet.
4. To assist the PM discharge his responsibilities as the Chairman of the Planning Commission.
 - (a) 2 and 4
 - (b) 1, 3 and 4
 - (c) 1, 2 and 4
 - (d) 2, 3 and 4

229. Public corporation and government company differ in respect to:

1. Autonomy
2. Ownership
3. Formation
4. Accountability
 - (a) 1, 2 and 4
 - (b) 2 and 3
 - (c) 1, 2, 3 and 4
 - (d) 2, 3 and 4

Matching Pattern

Match List-I with List-II and select the correct answer by using the codes given below the respective lists.

230.

<i>List-I</i> (Scope of judicial control)	<i>List-II</i> (Implications)
A. Error of law	1. When the administrator makes a mistake in the discovery of facts and acts on wrong presumption.
B. Abuse of authority	2. When the administrator acts without authority or outside geographical limits of his authority.
C. Lack of jurisdiction	3. When the administrator does not follow the laid-down procedure.
D. Error of fact-finding	4. When the administrator misinterprets the law and thus, imposes upon the citizen obligations which are not required by the content of law. 5. When the administrator uses his authority vindictively to harm some person.

<i>Codes:</i>	A	B	C	D
(a)	5	4	3	2
(b)	4	3	1	5
(c)	5	3	4	2
(d)	4	5	2	1

231.

<i>List-I</i>	<i>List-II</i>
A. Line-Item budget	1. It presents budget in terms of functions, programmes, activities and projects.
B. Zero-based budget	2. It incorporates a scheme of planning in the budgetary process.
C. Performance budget	3. It presents budget in terms of object-wise classification.
D. PPBS	4. It involves a total re-examination of all schemes afresh. 5. It is a formal process of policy review for eliminating undesired and outdated programmes.

<i>Codes:</i>	A	B	C	D
(a)	3	4	1	5
(b)	5	1	3	2
(c)	2	3	4	1
(d)	3	4	1	2

232. Which of the following statements are correct about the Chief Secretary?

1. He has no parallel functionary in the Central Government.
 2. He is the Secretary by rotation of the Zonal Council.
 3. His position in the state administration is not affected by the imposition of President's rule in the state.
 4. He acts as the Residual Legatee at the state level.
- (a) 1, 2, 3 and 4

- (b) 1 and 2
- (c) 1, 2 and 4
- (d) 2 and 4

233. *Assertion (A):* The Directorate in the state administration is an executive agency.

Reason (R): A state Secretariat is a policy-making agency.

Select the correct code:

- (a) Both *A* and *R* are true and *R* is the correct explanation of *A*.
- (b) Both *A* and *R* are true but *R* is not a correct explanation of *A*.
- (c) *A* is true but *R* is false.
- (d) *A* is false but *R* is true.

234. Which of the following statements are correct?

1. The 'Sandwich Pattern' of training for IPS probationers was introduced in 1985.
 2. The 'Sandwich Pattern' of training for IAS probationers was introduced on the recommendations of ARC.
 3. The 'Sandwich Pattern' of training for IAS probationers was introduced in 1969.
 4. The 'Sandwich Pattern' of training for IPS probationers was introduced on the recommendations of National Police Commission of 1977.
- (a) 1, 2, 3 and 4
 - (b) 2 and 3
 - (c) 1, 2, and 3
 - (d) 2, 3 and 4

235. *Assertion (A):* In 1976, the office of the Controller-General of Accounts was created in the Central Government.

Reason (R): In 1976, the Central Government introduced the scheme of departmentalisation of accounts.

Select the correct code:

- (a) Both *A* and *R* are true and *R* is the correct explanation of *A*.
- (b) Both *A* and *R* are true but *R* is not a correct explanation of *A*.
- (c) *A* is true but *R* is false.
- (d) *A* is false but *R* is true.

236. Which of the following are the reasons for the executive control over administration?

1. To translate the laws of Parliament into action.
 2. To uphold the law of the land.
 3. To uphold the principle of collective responsibility.
 4. To fulfill the promises made on the floor of the house.
- (a) 1, 2, 3 and 4
 - (b) 1, 3 and 4
 - (c) 3 and 4
 - (d) Only 3

237. Which of the following pairs are correctly matched?

1	Abuse of authority	— Misfeasance
2	Malfeasance	— Error of law
3	Error of procedure	— Malfeasance
4	Malfeasance	— Abuse of Authority
5	Error of Law	— Misfeasance

- (a) 1 and 2
- (b) 4 and 5
- (c) 1 and 3
- (d) 3 and 5

238. *Assertion (A):* The principle of anonymity flows directly from the doctrine of ministerial responsibility.

Reason (R): The doctrine of ministerial responsibility means that the minister is responsible for the actions of the civil servants working under him.

Select the correct code:

- (a) Both *A* and *R* are true and *R* is the correct explanation of *A*.
- (b) Both *A* and *R* are true but *R* is not a correct explanation of *A*.
- (c) *A* is true but *R* is false.
- (d) *A* is false but *R* is true.

239. Which of the following are functions of the Cabinet Secretariat?

1. To prepare Cabinet agenda and its minutes.
 2. To help the PM in the performance of his functions as head of the Cabinet.
 3. To keep track of the progress made by the departments of Central Government in implementing Cabinet Decisions.
 4. To act as a watchdog or invigilator on behalf of the PM.
- (a) 1, 3 and 4
 - (b) 1, 2 and 3
 - (c) 1 and 3
 - (d) 1, 2, 3 and 4

240. Which of the following are true of memorandum of understanding (MOU) in the context of administration of public undertakings?

1. It was introduced on the recommendation of the ‘Committee to Review the policy for public enterprises’.
 2. It is a device to give autonomy to the public enterprises management.
 3. It defines the obligations of ministry and public enterprises.
 4. It is the Indian version of the French contractual system.
- (a) 2, 3 and 4
 - (b) 1, 2, 3 and 4
 - (c) 2 and 3
 - (d) 1, 2 and 4

241. Which of the following have weakened the tenure system of Secretariat staffing?

1. Creation of Central Secretariat Service.

2. Increasing number of specialists being recruited in the Secretariat.
3. Creation of Central administrative pool.
4. Replacement of the unitary government by a federal one.
 - (a) 1, 2 and 3
 - (b) 1, 2 and 4
 - (c) 1, 2, 3 and 4
 - (d) 1, 3 and 4

242. Which of the following pattern of relationship between the secretariat and executive agencies was recommended both by the Estimates Committee and by the Second Pay Commission?

- (a) Common office pattern
- (b) Single file pattern
- (c) Link officer pattern
- (d) Ex-officio Secretariat status pattern

243. Consider the following statements about Civil Service in a developing society:

1. It should act as an agent of change
2. It should have concern for social equity
3. It should have concern for vested interests
4. It should be politically neutral

Which of the above are correct? Choose the answer from the codes given below:

Codes:

- (a) 1 and 2
- (b) 1, 2 and 3
- (c) 1, 2 and 4
- (d) 2, 3 and 4

244. Which one of the following is a common objective of the 'Rule of Lapse', 'Sunset Legislation' and 'Zero-Based Budgeting'?

- (a) Economy in expenditure
- (b) Legislative control
- (c) Review and reauthorisation of expenditures
- (d) Ensuring achievement of physical targets

245. Which of the following form part of the budget in India?

1. Estimated income and expenditure for the following year
2. Revised figures for the preceding year
3. Revised estimates for the current year
4. Actual figures for the previous year

Select the correct answer from the codes given below:

Codes:

- (a) 1 and 2
- (b) 1 and 3
- (c) 1, 2 and 3

(d) 1, 3 and 4

246. The Staff Selection Commission is

- (a) an 'attached office' under the Ministry of Personnel
- (b) a 'subordinate office' of the UPSC
- (c) an autonomous body under the Ministry of Personnel
- (d) a statutory body under the UPSC

247. Match List-I with List-II and select the correct answer by using the codes given below the respective lists.

<i>List-I</i>	<i>List-II</i>
A. Organized as a major sub-division of a department of government	1. Public Corporation
B. Represents a combination of government ownership and business management	2. Control Board
C. The Articles of Association are drawn up by the government and can be revised by it	3. Departmental Undertaking
D. Devised for multipurpose projects	4. Government Company

<i>Codes:</i>	A	B	C	D
(a)	4	1	3	2
(b)	3	1	4	2
(c)	3	2	4	1
(d)	4	2	3	1

248. Which of the following are features of All India Services?

- 1. They are common to both Central and state governments.
- 2. They are common to all offices of the Government of India throughout the country.
- 3. The concept of All India Service is based on Tenure System.
- 4. The members of All India Services are representatives of the Central Government.

Choose the correct answer from the codes given below:

Codes:

- (a) 1 and 2
- (b) 2 and 3
- (c) 3 and 4
- (d) 1 and 3

249. Match List-I with List-II and select the correct answer by using the codes given below the lists:

<i>List-I (Organisation)</i>	<i>List-II (Function)</i>
A. Ministry of Home Affairs	1. Management of I.A.S.
B. U.P.S.C.	2. Recruitment to Class III (Non-Tecl Posts)
C. Ministry of Personnel	3. Cadre controlling of I.P.S.
D. Staff Selection Commission	4. Recruitment to Class II posts
	5. Advising on inter-service promotion

<i>Codes:</i>	A	B	C	D
(a)	3	5	2	1
(b)	3	5	1	2
(c)	1	3	5	4
(d)	5	2	3	1

250. Which of the following are the positions enjoined upon the Chief Secretary of a State?

1. Secretary to the Cabinet
2. Chief Adviser to the Chief Minister
3. Chief of the Secretaries
4. Head of the Civil Service
5. Representative of the State in all legal matters

Choose the correct answer from the codes given below:

Codes:

- (a) 1, 2 and 3
- (b) 2, 3 and 4
- (c) 1, 2, 3 and 4
- (d) 2, 3, 4 and 5

251. Which of the following statements are true?

1. The territorial jurisdictions of the regional and district offices are co-terminus.
2. The territorial jurisdictions of regional offices of different departments are not co-terminus.
3. The territorial jurisdictions of regional offices of the Central and state governments are one and the same.
4. The territorial jurisdictions of the regional and district offices are different.

Select the correct answer from the codes given below:

Codes:

- (a) 1 and 3
- (b) 2 and 3
- (c) 2 and 4
- (d) 3 and 4

252. Consider the following in relation to the Prime Minister's Office:

1. It assists the Prime Minister, as the head of the Cabinet.
2. It coordinates the activities of government departments.
3. It keeps liaison with state governments on matters of Prime Minister's interest.
4. It helps the Prime Minister to perform his functions as the head of the government.

Which of these are correct?

- (a) 1 and 3
- (b) 2 and 4
- (c) 3 and 4
- (d) 1, 2 and 4

253. Which one of the following is *not* the function of the State Secretariat?

- (a) Coordination and cross-clearance between the administrative departments in the Secretariat
- (b) Taking policy decisions on administrative departments' proposals
- (c) Framing proposals for legislative enactments on the basis of policy decisions of the Heads of Directorates
- (d) Functioning as the main channel of communication between the Central and other state governments

254. After Independence, the role of the District Collector has undergone a substantial change due to:

- (a) rise of political consciousness
- (b) democratic decentralisation
- (c) role of mass media
- (d) public interest litigations

255. Which one of the following is *not* correct about the role of civil servants in developing countries?

- (a) Planning and implementing development programmes
- (b) Monitoring and evaluating development schemes/projects
- (c) Formulating development policies
- (d) Working towards socio-economic development and nation-building

256. Deficit financing is resorted to by the government

- (a) to increase the budget allocation for different ministries
- (b) to meet the gap between the revenue and expenditure budgets
- (c) to increase government expenditure on specific items
- (d) to pay the salaries of government employees

257. Consider the following:

Right to information is necessary in India because it:

1. increases people's participation in administration
2. makes administration more accountable to people
3. makes administration more innovative
4. makes people aware of administrative decision-making.

Which of these are correct?

- (a) 1, 2 and 3
- (b) 2, 3 and 4
- (c) 1, 2 and 4
- (d) 1, 3 and 4

258. Consider the following statements:

In all parliamentary democracies, the civil servants become more powerful because of:

1. principle of collective responsibility
2. principle of ministerial responsibility
3. the practice of delegated legislation.

Which of these statements are correct?

- (a) 1 and 2
- (b) 2 and 3
- (c) 1, 2 and 3
- (d) 1 and 3

259. Which one of the following statements is *not* correct?

- (a) The Railway Budget and the Demand for Grants relating to Railways are presented to the Parliament separately.
- (b) Generally one Demand for Grant is presented in respect of each ministry or department.
- (c) The Demand for Grants for the Department of Telecommunications is presented to the Parliament separately.
- (d) The Demand for Grants of various ministries include both plan and non-plan estimates of expenditure under each Head.

260. Which one of the following governments have enacted Right to Information Act in the year 2001?

- (a) Government of Andhra Pradesh
- (b) Government of Himachal Pradesh
- (c) Government of National Capital Territory of Delhi
- (d) Government of Tamil Nadu

261. The document published by the British government in 1991 with the objective of raising the standards of public services was entitled:

- (a) Civic Declaration
- (b) Civil Rights Charter
- (c) Citizen's Charter
- (d) White Paper on Equal Opportunities

262. Match List-I with List-II and select the correct answer using the codes given below the lists:

<i>List-I</i> (Officer)	<i>List-II</i> (Responsibility)
A. Secretary	1. Incharge of a branch of the department
B. Additional Secretary	2. Overall incharge of the department
C. Deputy Secretary	3. Incharge of a number of sections.
D. Under Secretary	4. Shares responsibilities of the Head of department.

<i>Codes:</i>	A	B	C	D
(a)	1	4	3	2
(b)	2	4	1	3
(c)	2	3	4	1
(d)	1	3	4	2

263. Which one of the following was established to improve administrative efficiency of the government departments?

- (a) Central Statistical Organisation
- (b) Organisations and Methods Division

(c) Ministry of Personnel, Public Grievances and Pension

(d) Ministry of Statistics and Programme Implementation

264. Who among the following advocated the need for psychological tests in recruitments of the civil services in India?

(a) Paul Appleby

(b) A.D. Gorwala

(c) Harry W. Blair

(d) V.Subramaniam

265. Consider the following statements:

Recruitment to the Indian Administrative Services is made by:

1. open competitive examination.

2. promotion of members of State Civil Services.

3. selection in special cases from among persons who hold gazetted posts under the state governments and are not members of the State Civil Services.

Which of these statements is/are correct?

(a) Only 1

(b) 1 and 2

(c) 1 and 3

(d) 1, 2 and 3

266. The Minister–Civil Servant relationship in India emerged as a result of

(a) Government of India Act, 1935

(b) Montague–Chelmsford Reforms, 1919

(c) Indian Constitution, 1950

(d) Morley-Minto Reforms, 1909

267. Consider the following services:

1. Overseas Communication Service

2. Military Engineering Service

3. Company Law Board Service

4. Defence Lands and Cantonment Service

Which of these is/are Central services?

(a) 3 only

(b) 2 only

(c) 2 and 4

(d) 1, 2, 3 and 4

268. In view of the developmental orientation of district administration, which one of the following can be regarded as the chief role of a District Collector?

(a) As a ruler

(b) As a coordinator

(c) As a manager

(d) As a supervisor

269. Which of the following is *not* a department of State Secretariat?

- (a) Census
- (b) Home
- (c) Revenue
- (d) Planning

270. Fiscal policy aims at:

- (a) increasing exports
- (b) making credit available in plenty to the industries
- (c) making cheap credit available to the industries
- (d) accelerating the economic growth

271. The fiscal deficit represents:

- (a) the excess of foreign exchange payments over foreign exchange receipts.
- (b) the total amount of borrowed funds required by the government to fully meet its expenditure.
- (c) the excess of imports over exports.
- (d) None of the above.

272. Which of the following indicates that how much of the government borrowings are going towards meeting expenses other than interest payments?

- (a) Primary deficit
- (b) Revenue deficit
- (c) Primary revenue deficit
- (d) Budgetary deficit

273. Consider the following statements:

Legislative accountability of a minister is essential because

1. he is the political head of the department.
2. he cannot delegate policy-making function to the senior administrators in his department as it is a political function.
3. administrative policy is based on political direction.
4. policy in the final analysis is based on a popular mandate.

Which of these statements is/are correct ?

- (a) 1 only
- (b) 2 and 3
- (c) 1 and 4
- (d) 2, 3 and 4

274. Which one of the following is *not* correct?

Citizens' participation makes the administrative process

- (a) responsive
- (b) effective
- (c) efficient

(d) transparent

275. Central Secretariat in the Government of India comprises:

- (a) Presidential Secretariat, Lok Sabha Secretariat and Cabinet Secretariat
- (b) All Ministries and Departments (with Secretaries to the government) in the Government of India
- (c) Prime Minister's Secretariat and Cabinet Secretariat
- (d) Lok Sabha Secretariat and Rajya Sabha Secretariat

276. Consider the following statements:

The Cabinet Secretariat

- 1. is a constitutional body
- 2. is a staff agency
- 3. works under the direction of the Prime Minister
- 4. is a creation of the Cabinet.

Which of these statements are correct?

- (a) 1 and 2
- (b) 2 and 3
- (c) 3 and 4
- (d) 1 and 4

277. Who among the following is the sole representative of a state government in the district?

- (a) Chairman of Zila Parishad
- (b) MP from the District
- (c) Divisional Commissioner
- (d) District Collector

278. Which one of the following is *not* included in deficit financing in India?

- (a) Withdrawal of past accumulated cash balance
- (b) Borrowing from the Central bank
- (c) Issue of new currency
- (d) Borrowing from the people

279. Match List-I with List-II and select the correct answer using the code given below the lists:

List-I (Commission/ Report)

- A. Aitchison Commission
- B. Islington Commission
- C. Montague Chelmsford Report
- D. Lee Commission

List-II (Recommendation)

- 1. Increase of emoluments for the members of the Civil Services in order to disengage the European Civil Servants from returning home.
- 2. Proposed classification of all the services into imperial, provincial and subordinate services.
- 3. Holding of simultaneous examinations in India and England for ICS.
- 4. To associate Indians in every branch of the Civil Services.

<i>Codes:</i>	A	B	C	D
(a)	3	1	2	4
(b)	2	4	3	1
(c)	3	4	2	1
(d)	2	1	3	4

280. Which one of the following is the correct ascending order of the administrative levels in a State?

- (a) Secretariat-Directorate-Divisional-District
- (b) Directorate-Secretariat-Divisional-District
- (c) Secretariat-Divisional-District-Directorate
- (d) District-Divisional-Directorate-Secretariat

281. Consider the following statements:

1. There are 25 state cadres in all for the all-India services.
2. The Ministry of Personnel, Public Grievances and Pensions is the cadre-controlling authority for all the three all-India services.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

282. Which of the following organisations are under the administrative control of the Department of Personnel and Training, the Ministry of Personnel, Public Grievances and Pensions, Government of India?

1. Central Vigilance Commission
2. Central Administrative Tribunal
3. Lal Bahadur Shastri National Academy of Administration
4. Sardar Vallabhbhai Patel National Police Academy
5. Union Public Service Commission
6. Public Enterprises Selection Board

Select the correct answer using the code given below:

- (a) 2, 3 and 5
- (b) 5 and 6
- (c) 1, 2, 3, 4 and 6
- (d) 1, 2, 3, 5 and 6

283. Consider the following statements:

1. Jagjivan Ram was appointed as the Chairman of the Central Social Welfare Board when it was set up in 1953.
2. The National Commission for Women was set up as a national apex statutory body in 1992.
3. The National Institute of Public Co-operation and Child Development is an autonomous

body and functions under the aegis of the Ministry of Health and Family Welfare.

Which of the statements given above is/are correct?

- (a) 1 and 2
- (b) 2 only
- (c) 3 only
- (d) 2 and 3

- 284.** 'Good Governance' and 'Participating Civil Society for Development' were stressed in World Bank Report of
- (a) 1992
 - (b) 1997
 - (c) 2000
 - (d) 2003
- 285.** Which one among the following is *not* a function of the State Secretariat?
- (a) To assist a Minister in the formulation of policy.
 - (b) To act as a channel of communication.
 - (c) To prepare draft of the legislation to be introduced in the Legislative Assembly.
 - (d) To assist the legislature in the secretarial work.
- 286.** Which one among the following is responsible for all policy issues pertaining to external aid received by the Government of India?
- (a) Planning Commission
 - (b) Department of Economic Affairs, Government of India
 - (c) Department of Revenue, Government of India
 - (d) Finance Commission
- 287.** Which of the following handles the work relating to the drafting of the Rules of Business of the Union Government?
- (a) Office of the Speaker of the Lok Sabha
 - (b) Cabinet Secretariat
 - (c) Prime Minister's Office
 - (d) Ministry of Parliamentary Affairs
- 288.** Who/which among the following is responsible for evaluation and processing of proposals relating to the capital restructuring of various Central Public Sector Undertakings of the Union Government?
- (a) Controller General of Accounts
 - (b) Comptroller and Auditor-General
 - (c) Department of Industrial Policy and Promotion
 - (d) Department of Public Enterprises
- 289.** The competitive examination to the ICS was for the first time held in India, consequent to the
- (a) Indian Councils Act, 1892
 - (b) Indian Councils Act, 1909
 - (c) Government of India Act, 1919

(d) Government of India Act, 1935

- 290.** Which one of the following statements about the Central Board of Direct Taxes is *not* correct?
- (a) The Central Board of Direct Taxes provides essential inputs for policy and planning of direct taxes in India.
 - (b) The Central Board of Direct Taxes is not responsible for administration of direct tax laws.
 - (c) The Chairman and Members of the Central Board of Direct Taxes are selected from the Indian Revenue Service only.
 - (d) Various functions and responsibilities of the Central Board of Direct Taxes are distributed amongst the Chairman and the Members, with only fundamental issues reserved for collective decision by the Board.
- 291.** Which one of the following States has a joint All-India Service cadre with Arunachal Pradesh, Goa, and Union Territories?
- (a) Sikkim
 - (b) Mizoram
 - (c) Nagaland
 - (d) Jharkhand
- 292.** Who is the Chairman of the Civil Service Board in India?
- (a) Secretary (Personnel), Government of India
 - (b) Cabinet Secretary, Government of India
 - (c) Chairman, Union Public Service Commission
 - (d) Establishment Officer, Government of India

Answers

1. a	2. b	3. b	4. c
5. d	6. d	7. c	8. d
9. d	10. d	11. c	12. d
13. c	14. c	15. c	16. c
17. c	18. d	19. c	20. c
21. d	22. c	23. d	24. c
25. d	26. b	27. d	28. d
29. c	30. d	31. c	32. d
33. c	34. d	35. c	36. d
37. d	38. d	39. c	40. d
41. c	42. c	43. c	44. d
45. b	46. d	47. c	48. c
49. d	50. a	51. a	52. a
53. a	54. b	55. a	56. b
57. b	58. c	59. b	60. d
61. c	62. a	63. c	64. d

65. c	66. c	67. c	68. c
69. d	70. a	71. a	72. c
73. c	74. c	75. b	76. c
77. d	78. d	79. c	80. b
81. b	82. c	83. d	84. d
85. b	86. d	87. d	88. a
89. c	90. c	91. d	92. d
93. c	94. c	95. d	96. d
97. d	98. c	99. d	100. b
101. d	102. b	103. b	104. c
105. b	106. a	107. b	108. a
109. c	110. d	111. c	112. c
113. b	114. b	115. a	116. d
117. b	118. c	119. c	120. c
121. c	122. b	123. c	124. d
125. a	126. b	127. c	128. b
129. c	130. d	131. d	132. c
133. d	134. c	135. a	136. b
137. d	138. b	139. d	140. c
141. a	142. a	143. a	144. a
145. d	146. b	147. c	148. c
149. d	150. c	151. d	152. c
153. d	154. b	155. d	156. d
157. d	158. b	159. d	160. c
161. a	162. a	163. a	164. c
165. b	166. d	167. d	168. a
169. c	170. d	171. c	172. d
173. d	174. c	175. c	176. d
177. d	178. d	179. c	180. b
181. c	182. c	183. d	184. d
185. d	186. c	187. c	188. d
189. d	190. d	191. b	192. d
193. d	194. a	195. a	196. d
197. c	198. a	199. d	200. b
201. b	202. b	203. c	204. b
205. c	206. b	207. d	208. d
209. c	210. c	211. d	212. a
213. d	214. d	215. d	216. c
217. a	218. d	219. a	220. c
221. a	222. d	223. d	224. d

225. c	226. b	227. b	228. c
229. c	230. d	231. d	232. c
233. b	234. b	235. a	236. b
237. b	238. a	239. b	240. b
241. b	242. a	243. c	244. c
245. d	246. a	247. b	248. d
249. b	250. c	251. c	252. c
253. c	254. b	255. c	256. b
257. c	258. b	259. c	260. c
261. c	262. b	263. b	264. b
265. d	266. b	267. d	268. b
269. a	270. d	271. b	272. a
273. d	274. c	275. b	276. b
277. d	278. d	279. b	280. d
281. d	282. d	283. b	284. a
285. d	286. b	287. b	288. a
289. c	290. b	291. b	292. b

LONG ANSWER QUESTIONS

Instructions

Answer the following questions. Answer to each question should be in 200 words. Each question carries 10 Marks.

1. What are the provisions of the SCs and STs Atrocities Act, 1989? How far has it been implemented? Discuss.
2. The Prime Minister's Office (PMO) has been functioning as "the Government of the Government of India". Comment.
3. The Secretariat System in India is based on the principle of separation of policy-making function from that of policy-execution. Critically evaluate.
4. Critically examine the role of All-India Services in the administration of India.
5. What are the features of good governance? Explain the barriers to good governance in India.
6. Compare the relative roles and positions of the Cabinet Secretary and Chief Secretary.
7. Discuss the position and role of District Collector in the district administration.
8. What are the various constitutional rights and safeguards of SCs and STs?
9. What is the rationale of Right to Information? Describe the salient features of the Right to Information Act, 2005.
10. Describe the composition and functions of the National Commission for Protection of Child Rights.
11. What is e-Governance and SMART Governance? Explain the various types of interactions in e-Governance.
12. Explain the salient features of the Model Police Act drafted by the Soli Sorabjee Committee. Are they adequate to deal with the contemporary issues in police administration?
13. What is meant by people's participation in development administration? What are its benefits and limitations? What measures do you suggest to make it more effective?
14. Explain the role of Union Home Ministry in law and order administration. What are its other responsibilities?
15. What are the principles of citizens' charter? What are the steps taken in India to promote citizens' charter?

16. What are the provisions of the Children Sexual Offences Act, 2012? Are they adequate to address the issue?
17. Explain the various activities undertaken by the Central Government to promote good governance practices in the country.
18. Describe the various schemes implemented by the Central Government for the socio-economic empowerment of the Minorities.
19. What are the rights conferred by the Forest Rights Act, 2006? What are the other provisions of the Act?
20. Explain the features of the strengthened and restructured ICDS Scheme.
21. What is Scheduled Castes Sub-Plan? What are the salient features of the scheme of Special Central Assistance to the Scheduled Castes Sub-Plan?
22. What are the provisions of the Sexual Harassment of Women at Workplace Act, 2013? Are they adequate to address the issue?
23. Describe the various schemes implemented by the Central Government for the educational empowerment of the Scheduled Tribes.
24. Explain the salient features of the Indira Awas Yojana.
25. Compare the salient features of the Indian Constitution with that of the American Constitution.

SHORT ANSWER QUESTIONS

Instructions

Answer the following questions. Answer to each question should be in 100 words. Each question carries 5 Marks.

1. What are the factors responsible for the weakening of the tenure system of staffing in the Central Secretariat?
2. The Cabinet Secretary plays a significant role in the process of official business in the Central Government. Elucidate.
3. Directorates are the executive arms of state governments. Comment.
4. What are the factors responsible for the declining status and authority of District Collector in the post-independence era?
5. DRDA is the principal organ at the district level to oversee the implementation of anti-poverty programmes. Elaborate.
6. What are the main provisions of the Civil Rights Act of 1955?
7. Describe the functions of the National Commission for Minorities.
8. What are the various features of the National e-Governance Plan?
9. What are the amendments made in 2012 to the RTE Act of 2009?
10. Describe the organisation of National Security Council.
11. What are the features of the National Policy on Open Standards for e-Governance, 2010?
12. What are the objectives of the Prime Minister's New 15-Point Programme for the Welfare of

Minorities, 2006? How is it different from the 1983 Programme?

13. What are the rights provided under the Consumer Protection Act, 1986?
14. What are the functions of the National Commission for Safai Karamcharis?
15. Describe the objectives of the District Disability Rehabilitation Centres.
16. Explain the components of the Scheme of Assistance for the Prevention of Alcoholism & Drug Abuse and for Social Defence Services.
17. What are the provisions of the Domestic Violence Act, 2005?
18. Describe the various components of the National Social Assistance Programme.
19. Compare the provisions of Integrated Watershed Management Programme with that of Hariyali.
20. Explain the role of National Green Tribunal.
21. Describe the composition and functions of the Financial Stability and Development Council.
22. What is Nirmal Gram Puraskar? What are its objectives?
23. What is PURA? How is PURA 2.0 is different from PURA 1.0?
24. When can the judiciary intervene in the administrative acts? What are the limitations of judicial control over administration?
25. What is “One MP-One Idea” Scheme? Explain.

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