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# Punjab

## Lecturer Cadre

Political Science

Volume - 1

SIERRA INNOVATIONS

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| **1 UNIT** | **Governance & Public Policy in India** |

# Part-1- Concept of Governance

## Government

- Traditionally the word government was used in polity and administration. There are three organs of government (legislature, executive and judiciary).
- The functions of these three organs of government are described in the Constitution and in various administrative provisions.
- In the present era of liberalization and privatization, the word governance started being used instead of government.

## Governance

Governance is the framework of rules, practices, and processes by which an organization, society, or state is directed, controlled, and held accountable. It is not just about "government" (the state); it applies to corporations, non-profits, international bodies, and communities.
At its core, governance is about **how decisions are made** and **who has the power to make them.**

## Good Governance: Concept

In the opinion of many scholars, the concept of good governance, whose importance was established after the advocacy of the World Bank in 1989, is not a new term.
**Pierre and Peters**, believe the term was first used in France in the 14th century, where it meant 'a chamber of government'.
The World Bank is said to have reinvented it from a different perspective as a new approach to development.
As a result of globalization, global pressure has been exerted by global institutions like World Bank, International Monetary Fund etc. on various countries of the world, especially the developing countries, in the form of economic reform programs.

**The World Bank outlined four main dimensions of good governance as an effective development management:**
(a) Public Sector Management
(c) Legal Framework of Development, and
(b) Accountability
(d) Transparency and Right to Information.

The concept of good governance was first defined by the World Bank in 1992. Defining it, it was said, "**Good governance refers to the manner in which power is used to manage the economic and social resources of the country for development**."
In the report titled 'Governance and Development', good governance was seen as the catalyst for an environment where an honest effort is made to ensure effective, inclusive and equitable development through effective economic policies.

**Three main features of governance were identified-**
- Form of political rule (parliamentary, presidential, military or civil)
- Methods of management of the country's economic and social resources; And
- The necessary capacity of the government to design, formulate and implement policies.

**The Pillars of Good Governance**

According to frameworks established by organizations like the United Nations and the World Bank, "Good Governance" generally relies on these eight core principles:

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| ➢ **Accountability:** Decision-makers are answerable to the public or stakeholders for their actions and decisions. |
| ➢ **Transparency:** Information is accessible, timely, and easy to understand so stakeholders can monitor decision-making. |
| ➢ **Rule of Law:** Fair legal frameworks are enforced impartially, protecting human rights and property. |
| ➢ **Responsiveness:** Institutions and processes try to serve all stakeholders within a reasonable timeframe. |
| ➢ **Equity and Inclusiveness:** Ensuring that all members of society—especially the most vulnerable—feel they have a stake in the process and do not feel excluded. |
| ➢ **Effectiveness and Efficiency:** Processes produce results that meet the needs of society while making the best use of resources. |
| ➢ **Participation:** The ability of all stakeholders (citizens or employees) to voice their opinions, either directly or through legitimate intermediaries. |
| ➢ **Consensus-Oriented:** Mediation of different interests to reach a broad consensus on what is in the best interest of the group. |

**Key Types of Governance**

1. **Corporate Governance**

   This refers to the system by which companies are directed and controlled. It involves the relationships between a company's management, its board of directors, shareholders, and other stakeholders. The goal is to ensure ethical behavior and long-term value creation.

2. **Public/Political Governance**

   This involves the state's exercise of political, economic, and administrative authority to manage a nation's affairs. It includes the mechanisms, processes, and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations, and mediate their differences.

3. **Global Governance**

   This describes the way international affairs are managed in the absence of a "world government." It involves a mix of international law, agreements, and institutions (like the UN, WTO, or WHO) that help countries cooperate on issues like climate change, trade, and health.

4. **IT and Data Governance**

   A specialized form of governance that ensures an organization's IT strategies and data management align with business objectives and comply with laws (like GDPR) to ensure security and quality.

   **Why Governance Matters?**

   Without effective governance, systems suffer from **corruption, inefficiency, and instability.**

- ➢ **In the public sector:** Good governance is the primary engine for sustainable development, poverty reduction, and the protection of civil liberties.
- ➢ **In the private sector:** Strong governance builds investor trust, reduces the risk of scandal, and ensures the company remains resilient during economic downturns.

  **Note:** Governance is distinct from management. While management is about executing specific tasks to achieve goals, **governance is about defining the rules and direction** that dictate how those tasks should be managed.
- ➢ Good Governance assures that corruption is minimized, the views of minorities are taken into account, and that the voices of the most vulnerable in society are heard in decision-making.

- It is also responsive to the present and future needs of society.
- Importance of good governance is clearly inscribed in Indian Constitution through principles of **Sovereign, Socialist, Secular and Democratic Republic committing itself to democracy, rule of law and welfare of people, Fundamental Rights, DPSP etc.**
- Good governance strengthens the edge of quality governance through empowerment, participation, transparency, accountability, equity and justice.
- Sustainment of development is not possible without the implementation of a transparent and responsible system and the creation of rules and regulations that properly and effectively manage the market and political life, etc.

## Initial Steps in Good Governance: The Indian Context

- Efforts are underway towards good governance reforms in India. The major administrative reforms undertaken in India during the 1950s and 1960s were basically structural in nature, aimed at improving the administrative machinery.
- As a result of administrative changes during the 1990s (from traditional bureaucracy to accountable and people-oriented administration), the trend of reforms has now turned in this direction.
- **Right to Information**, Efforts for transparency, people-oriented bureaucracy, advanced and sensitive public complaint mechanism, civil code of conduct etc. are steps taken in this direction.
- Through the **73rd and 74th constitutional amendments**, an effort has been made to ensure direct participation of the common people in the governance process.

## Good Governance Index

- It was launched on Good Governance Day on 25 December 2019.
- The Good Governance Index is a uniform tool across all states to evaluate the governance status and effectiveness of various interventions made by the State Government and Union Territories.

Many committees were formed during the 1950s and 1960s to ensure accountability. These committees systematically and thoroughly investigated the organizational system and functions of the government. These included:

**Secretariat Reorganization Committee, 1947, Gopalswamy**
**Ayyangar Committee on Reorganization of Government Machinery, 1949, and**
**Gorwala Committee, 1951**

- The most comprehensive recommendations on administrative reforms were made by the Administrative Reforms Commission constituted in January 1966.
- On the basis of the recommendations of the Administrative Reforms Commission, a Department of Personnel was formed in 1970, which was later named 'Personnel and Training, Administrative Reforms, Public Grievances, Pensions and Pensioners'. Welfare) was converted into a full-fledged Ministry.

  Accordingly, many steps were taken by the Central and State Governments.
  Some of the major measures are mentioned below.

## Citizen's Charter

- The concept of Citizen's Charter originated in Britain. This manifesto releases information on all services related to the people.
- This declaration contains information related to the nature of services provided by the organization, procedural procedures, costs involved, complaint hearing mechanism, time taken in complaint resolution etc.
- About 68 central government level organizations in India have issued citizen manifestos

## Right to Information

- There is a widespread consensus that due to unnecessary secrecy and lack of openness in government work, the administration misuses its powers, due to which people have to suffer unnecessarily.

- Therefore, in recent times, efforts are being made to make the administrative system transparent, so as to ensure simple and easy flow of all information related to people (except information related to national security) to the people.
- **The Act was passed by Parliament in 2001**, and several state governments, including Rajasthan, Madhya Pradesh and Karnataka, have passed their own Right to Information laws.
- At the central government level, the Parliament passed the **Right to Information Act on 11 May 2005**, and this law came into force in the entire country from October 2005.

## Redressal of Citizens' Grievances

- The mechanism for redressal of public grievance against any government organization has been strengthened.
- In 1988, the Directorate of Public Grievances was established in the Cabinet Secretariat to scrutinize public grievances relating to various ministries and departments. They keep an eye on public complaints in the organization.

## Use of Information Technology

- To ensure effective and efficient service management, good governance entails extensive use of information technology.
- Rail, air and bus reservations have been computerized.
- Similarly, at rural levels also, the work of land records, birth-death registration, receipt of necessary documents from the district headquarters etc. has been computerized.
- This has made people's work much easier. For example, the **Gyandoot Program** implemented in Dhar District of Madhya Pradesh has achieved immense success.
- It also received the Stockholm Prize in 2000. Under this, initially, computer facilities were provided in Gram Panchayats of 31 villages, which provides consumer fee based services to the people.
- These services include agricultural products, auction rates, online settlement of public complaints etc. are included.

## Democratic Governance

**Democratic Governance** is a system of administration where government institutions operate in alignment with democratic principles, ensuring that authority is exercised not just by those in power, but through the participation, consent, and accountability of the citizens.

## Core Principles (The Foundation)

Democratic governance is built upon the following pillars:

- **Popular Sovereignty:** The ultimate source of political power is the people. Government derives its legitimacy from the consent of the governed.
- **Rule of Law:** The law is supreme and applies equally to all, including rulers. No one is above the law, and arbitrary use of power is prohibited.
- **Political Pluralism:** The existence of multiple political parties and diverse opinions, which ensures a competition of ideas and prevents the concentration of power.
- **Equality and Justice:** All citizens are equal before the law (Article 14 in India) and have equal access to legislative and policy-making processes.
- **Protection of Rights:** Guarantee of fundamental civil liberties (speech, assembly, religion) that protect individuals from state overreach.

## Key Mechanisms of Democratic Governance

- **Free and Fair Elections:** Conducted by independent bodies (like the Election Commission of India) based on Universal Adult Franchise.
- **Accountability & Transparency:** Governance decisions must be open to public scrutiny. Key tools include the **RTI Act**, parliamentary debates, and audits by the **CAG** (Comptroller and Auditor General).

- **Citizen Participation:** Not limited to voting; it includes participation in local bodies (e.g., **Gram Sabhas**), public protests, and policy feedback mechanisms.
- **Separation of Powers:** Division of power between the Legislature (law-making), Executive (administration), and Judiciary (interpretation/review) to create a system of checks and balances.

## Forms of Power Sharing

In democratic systems, power is distributed to ensure inclusivity and prevent tyranny:

- **Horizontal Power Sharing:** Distribution among the three organs of government (Legislature, Executive, Judiciary).
- **Vertical Power Sharing:** Distribution across levels (e.g., Federalism—Centre, State, and Local/Panchayati Raj institutions).
- **Social Power Sharing:** Accommodating diverse social, linguistic, and religious groups through mechanisms like reservations or affirmative action.

**Democratic vs. Non-Democratic**

| **Feature** | **Democratic Governance** | **Non-Democratic Governance** |
|---|---|---|
| **Leadership** | Chosen through regular, free elections. | Often through force, heredity, or coercion. |
| **Accountability** | Leaders are answerable to the people. | Leaders are not answerable to the public. |
| **Rights** | Protected by the Constitution/Law. | Often restricted or suppressed. |
| **Conflict Resolution** | Dialogue, courts, and legal institutions. | Often relies on force or suppression. |

## Important Thinkers & Perspectives

- **Abraham Lincoln:** Defined it famously as "Government of the people, by the people, for the people."
- **Democratic Deficit:** A term often used when there is a lack of accountability or a sense of alienation among citizens regarding the decisions made by governing bodies.
- **Representative vs. Direct Democracy:** Most modern democratic governance is **representative** (people elect leaders to make laws), whereas **direct** democracy (like the Gram Sabha or referendum) allows citizens to participate directly in decision-making

## Role of Different Segments in Good Governance

Good democratic governance is not the product of a single institution, but rather the result of a **dynamic, interdependent relationship** between the State, Civil Society, and Individuals. When these three pillars function in alignment, they create a system characterized by accountability, transparency, the rule of law, and the protection of human rights.

### 1. The Role of the State: The Architect and Enforcer

The State holds the formal mandate to govern. Its primary role is to create the environment in which democracy can thrive by providing public goods and ensuring security.

- **Rule of Law and Justice:** The State must establish a clear legal framework where laws are applied equally to everyone, including those in power. An independent judiciary is critical to interpret laws and resolve disputes fairly.
- **Provision of Public Goods:** It is the State's duty to ensure essential services—such as education, healthcare, infrastructure, and environmental protection—are accessible to all citizens, reducing inequality.
- **Accountability Mechanisms:** The State must build "horizontal accountability" institutions—such as audit offices, ombudsmen, and anti-corruption commissions—to prevent the abuse of power.
- **Protection of Rights:** The State is the primary guarantor of civil and political rights, ensuring freedom of speech, assembly, and press, which are the lifeblood of democracy.

## 2. The Role of Civil Society: The Watchdog and Bridge

Civil society acts as the bridge between the individual and the State. It encompasses non-governmental organizations (NGOs), labor unions, faith-based groups, media organizations, and community associations.

- **Holding Power Accountable (The Watchdog):** Civil society monitors government actions, tracks budget expenditures, and highlights policy failures. By doing so, it prevents the State from becoming insular or corrupt.
- **Advocacy and Policy Influence:** Organizations within civil society mobilize public opinion around specific issues (e.g., climate change, gender equality, or economic reform), forcing the government to address these concerns.
- **Facilitating Participation:** Civil society provides platforms for marginalized groups to be heard. It fosters a culture of civic engagement by encouraging people to work collectively toward common goals.
- **Conflict Mediation:** In divided societies, civil society groups often serve as neutral spaces for dialogue, helping to reduce polarization and foster social cohesion.

## 3. The Role of Individuals: The Foundation of Democracy

Individual citizens are the ultimate source of democratic legitimacy. Governance is only as healthy as the engagement of its people.

- **Informed Participation:** Democracy requires an informed citizenry. Individuals fulfill this role by keeping themselves updated on public affairs, questioning narratives, and participating in elections not just as voters, but as critical thinkers.
- **Civic Responsibility:** Beyond voting, individuals contribute through peaceful assembly, peaceful protest, local volunteering, and paying taxes. These actions demonstrate a commitment to the collective good.
- **Respect for Diversity and Tolerance:** A democratic society relies on individuals who respect the rights and opinions of others, even those they disagree with. This "democratic culture" is the bedrock of peaceful transitions and stable governance.
- **Ethical Vigilance:** Individuals act as the final line of defense against tyranny. When citizens remain silent in the face of injustice or corruption, democratic institutions weaken. Active, vigilant citizens are the most effective check on authoritarianism.

**Summary of Interdependence**

| Sector | Primary Focus | Key Function |
|---|---|---|
| **State** | Authority & Service | To provide, protect, and regulate. |
| **Civil Society** | Representation & Oversight | To advocate, monitor, and inform. |
| **Individuals** | Participation & Values | To engage, hold accountable, and sustain culture. |

# Part-2- Accountability & Control

## Legislative control over the executive

In a democratic system, the legislature acts as the primary "watchdog" over the executive branch. This oversight is essential to ensure that the government—which holds the power to implement policy and manage the state—remains within the boundaries of the law and continues to serve the public interest.

Legislative control over the executive is typically exercised through several formal and informal mechanisms categorized below.

### 1. Financial Control (The Power of the Purse)

This is arguably the most potent tool. The executive cannot spend a single rupee (or unit of currency) without the approval of the legislature.

- ✓ **Budget Approval:** The annual budget is debated and voted upon. This allows the legislature to scrutinize government priorities and withhold funds if policies are deemed unsatisfactory.
- ✓ **Auditing and Committees:** Legislatures use bodies like the **Public Accounts Committee (PAC)** to review reports from the Comptroller and Auditor General (CAG). This ensures that money granted by the legislature was spent strictly for the intended purposes and with financial propriety.

2. **Parliamentary Questions and Debates**
   These mechanisms keep the executive "on its toes" on a daily basis.
   - ✓ **Question Hour:** The first hour of a parliamentary sitting, where ministers are required to answer questions from members regarding administrative actions or policy failures.
   - ✓ **Zero Hour:** An informal device where members can raise urgent matters of public importance without prior notice.
   - ✓ **Debates and Discussions:** Through short-duration discussions or adjournment motions, the legislature forces the government to defend its policies and clarify its stance on critical national issues.

3. **Oversight Committees**
   Because the full House is often too large to conduct detailed examinations, legislatures delegate this task to specialized committees.
   - ✓ **Departmental Standing Committees:** These committees examine the functioning, performance, and legislative proposals of specific ministries. They provide a space for non-partisan, technical scrutiny away from the "theatrics" of the main floor.
   - ✓ **Joint Parliamentary Committees (JPCs):** Formed for specific, often sensitive, investigations into corruption or major policy failures.

4. **Direct Accountability Motions**
   These are the "nuclear options" that force the executive to prove it still has the mandate to govern.
   - ✓ **No-Confidence Motion:** If the legislature passes a vote of no-confidence, the government is constitutionally bound to resign. It is the ultimate expression of the executive's collective responsibility to the legislature.
   - ✓ **Censure Motions:** Used to express strong disapproval of specific government policies or actions, serving as a formal "warning" to the executive.

5. **Law-Making and Scrutiny of Delegated Legislation**
   - ✓ **Legislative Intent:** By passing laws, the legislature defines the scope and limitations of the executive's power.
   - ✓ **Delegated Legislation:** Often, the executive is given the power to create "rules and regulations" to implement laws. The legislature exercises control by scrutinizing these rules to ensure the executive is not exceeding the authority originally granted to it by the primary legislation.

**The Reality of Legislative Control: Challenges**

While these tools exist, their effectiveness can vary significantly based on political dynamics:

1. **The "Rubber Stamp" Problem:** If the ruling party holds a massive majority, the legislature often struggles to act as a genuine check, as members may prioritize party loyalty over oversight.
2. **Partisanship:** Accountability tools like Question Hour can sometimes devolve into political point-scoring, overshadowing the goal of substantive policy improvement.
3. **Lack of Expertise:** Legislators may lack the technical or financial expertise to challenge complex executive decisions, making them overly dependent on the very bureaucrats they are supposed to be overseeing.

   The goal of legislative control is not to paralyze the government, but to force **transparency**. By requiring the executive to explain, justify, and account for its actions, the legislature ensures that democracy remains a government of the people, rather than just a government by the officials

## Administrative and Budgetary control

Administrative and budgetary controls are the "mechanisms of precision" in governance. While legislative control focuses on broad oversight and policy approval, these mechanisms dive into the day-to-day operations and financial discipline of the state.

They are generally categorized into two types: **Internal** (exercised by the executive over itself) and **External** (exercised by the legislature or independent bodies over the administration).

1. **Budgetary Control: The "Power of the Purse"**

   Budgetary control is the systematic process of planning, executing, and auditing government spending to ensure that every cent serves the public interest and aligns with legislative mandates.

   **Key Mechanisms:**

   - ✓ **Budget Formulation & Approval:** The budget is not just a financial statement; it is a policy tool. By debating and approving the budget, the legislature sets the financial boundaries for the executive.
   - ✓ **The Three Pillars of Financial Scrutiny:**
     - **Public Accounts Committee (PAC):** Examines the reports of the Auditor General to ensure that money was spent legally and efficiently.
     - **Estimates Committee:** Reviews the budget estimates to suggest "economies" (ways to save money) and improvements in administrative efficiency.
     - **Committee on Public Undertakings:** Specifically monitors the financial performance of state-owned enterprises.
   - ✓ **Post-Expenditure Audit:** Conducted by an independent body (e.g., the Comptroller and Auditor General - CAG), this ensures that executive spending conforms to the law and that there is no "financial impropriety."
   - ✓ **Performance Budgeting:** Moving beyond "how much was spent," modern democratic governance focuses on what was achieved. This involves comparing actual results against predetermined output targets.

2. **Administrative Control: Managing the Machinery**

   Administrative control refers to the systems of supervision and internal regulation that ensure the bureaucracy (the permanent executive) follows the directives of the political executive and stays within the law.

**A. Internal Administrative Control (Self-Regulation)**

These are "in-built" mechanisms that operate within the government machinery itself:

- ✓ **Hierarchy and Supervision:** The principle of "superior-subordinate" ensures that lower-level officials report to higher-level authorities, keeping the administrative chain of command clear.
- ✓ **Departmental Rules and Manuals:** Rigid procedures and codes of conduct (e.g., Civil Services Rules) dictate how officials must behave and perform their duties, preventing arbitrary decisions.
- ✓ **Internal Audits and Inspections:** Regular departmental reviews identify operational bottlenecks or potential instances of corruption before they escalate.
- ✓ **Disciplinary Action:** If an official violates protocol, internal administrative law provides for censure, suspension, or dismissal.

**B. External Administrative Control (Legislative & Judicial)**

These are mechanisms that reach into the administration from the outside to ensure compliance:

- ✓ **Delegated Legislation:** When the legislature gives the executive power to make specific rules, it retains the right to review those rules to ensure they don't exceed the scope of the original law.
- ✓ **Ombudsman / Lokpal:** These independent bodies investigate complaints of maladministration or corruption by public officials, providing a direct channel for citizens.
- ✓ **Right to Information (RTI):** By forcing the administration to be transparent, RTI acts as a massive deterrent against opaque decision-making.
- ✓ **Judicial Review:** If an administrative action violates constitutional rights or exceeds statutory power, the courts can declare it "ultra vires" (beyond the power) and strike it down.

**The Interplay of Control**

| Mechanism | Focus | Goal |
|---|---|---|
| **Budgetary** | Resource Allocation | Ensure fiscal discipline and policy alignment. |
| **Internal Admin** | Performance & Ethics | Ensure daily efficiency and bureaucratic accountability. |
| **External Admin** | Legality & Rights | Ensure the bureaucracy respects the Rule of Law. |

Without these controls, the administration risks becoming a "state within a state." Administrative controls provide **efficiency and order**, while budgetary controls provide **fiduciary responsibility**. Together, they ensure that the government doesn't just function, but functions in a way that is answerable to the people.

## Control Through Parliamentary Committes

Parliamentary committees serve as the **"engine room" of legislative oversight**. Because modern governance is increasingly complex and the volume of legislative business is immense, the full House of a Parliament cannot realistically scrutinize every detail, budget line, or administrative action on the floor.

Committees solve this by acting as specialized, smaller, and more focused bodies that provide the "heavy lifting" of democratic accountability.

**Why Committees are Essential for Control**

1. **The "Expertise Gap" Bridge:** Committees allow Members of Parliament (MPs) to move beyond general political rhetoric and engage in technical, evidence-based discussions. They often invite external experts, stakeholders, and bureaucrats to testify, ensuring that policy scrutiny is grounded in data.
2. **Removing the "Political Theatre":** On the floor of the House, debates are often televised and performative, which encourages grandstanding. Committees meet in private settings, which fosters a more collaborative, bipartisan, and deliberative atmosphere where members of different parties often work toward consensus.
3. **Continuous Accountability:** Unlike the floor of the House, which only meets during session, committees can function more consistently, providing a continuous "watchdog" presence over the executive's day-to-day operations.

**Types of Committees and Their Functions**

1. **Financial Committees (The Fiscal Watchdogs)**
   These committees ensure that public money is spent with integrity and efficiency:
   - ✓ **Public Accounts Committee (PAC):** The most powerful financial watchdog. It examines audit reports from the Auditor General to ensure funds were spent legally. A vital convention is that the **PAC is chaired by a member of the Opposition**, which minimizes bias.
   - ✓ **Estimates Committee:** Often called the "Continuous Economy Committee," it examines the budget estimates and suggests ways to improve administrative efficiency and reduce wasteful expenditure.
   - ✓ **Committee on Public Undertakings:** Specifically monitors the financial performance and governance of state-owned enterprises.
2. **Department-Related Standing Committees (DRSCs)**
   These are permanent committees that correspond to specific ministries (e.g., Committee on Defence, Committee on Health).
   - ✓ **Policy Oversight:** They scrutinize the working of their respective ministries, examine the "Demands for Grants" (budget requests), and review long-term policy implementation.
   - ✓ Legislative Scrutiny: Most major bills are referred to these committees for a clause-by-clause examination before they are voted on in the full House. This drastically improves the quality of legislation.

3. **Accountability & Procedural Committees**
   - ✓ **Committee on Government Assurances:** This body tracks the promises made by ministers on the floor of the House. It holds the executive accountable to its own word by checking if those specific assurances have actually been fulfilled.
   - ✓ **Committee on Subordinate Legislation:** The executive often creates "rules and regulations" to implement laws. This committee checks if the executive is exceeding the powers the Parliament originally granted them (ensuring they aren't "legislating" through the back door).
   - ✓ **Ad-Hoc Committees:** These are temporary committees (like a Joint Parliamentary Committee) created to investigate specific, urgent, or controversial issues, such as a major financial scam or a significant policy failure.

**Strengths and Limitations**

- ✓ **Strengths:** They generate a **public record** of findings. Even when committee recommendations are not legally binding, they create moral and political pressure. A government that ignores a committee report often faces significant public and media backlash.
- ✓ **Limitations:**
  - **Advisory Nature:** Most committee reports are recommendatory; the government is not strictly legally compelled to implement every suggestion.
  - **Partisan Influence:** In many systems, the ruling party maintains a majority in committees, which can sometimes mute the intensity of the scrutiny.
  - **Resource Constraints:** Committees often lack sufficient independent research staff to match the vast resources available to the executive branch, making it hard to challenge the government's technical narratives.

**In essence**, while the Parliament provides the authority for governance, the committees provide the scrutiny that prevents that authority from becoming arbitrary.

## Judicial Control over Legislature & Executive

In a democratic framework, the judiciary acts as the ultimate "watchdog" to ensure that the legislature (which makes laws) and the executive (which enforces them) remain within the boundaries defined by the Constitution. This system of **Checks and Balances** is rooted in the doctrine of the **Separation of Powers**.

Below is a detailed breakdown of how the judiciary exerts control over these two branches.

### 1. Control over the Legislature

The judiciary ensures that the legislature does not exceed its constitutional mandate or infringe upon the fundamental rights of citizens.

- ✓ **Judicial Review (The Primary Tool):** The courts have the power to examine the constitutionality of any law passed by the legislature. If a law violates the Constitution or fundamental rights, the judiciary can declare it **null and void** (Article 13 in the Indian Constitution).
- ✓ **Basic Structure Doctrine:** Established by the Supreme Court, this principle prevents the legislature from amending the Constitution in a way that alters its "basic structure" (e.g., secularism, federalism, judicial independence).
- ✓ **Interpretation of Laws:** While the legislature writes the laws, the judiciary interprets them. By clarifying ambiguous language, the judiciary ensures that the spirit of the law aligns with constitutional values.
- ✓ **Review of Constitutional Amendments:** The judiciary can scrutinize whether the procedures for constitutional amendments were followed and whether the result undermines the core democratic principles of the state.

## 2. <u>Control over the Executive</u>

The judiciary exercises control over the administration to prevent arbitrary power, abuse of discretion, and illegality.

- ✓ **Writs Jurisdiction:** Under constitutional provisions (such as Articles 32 and 226 in India), the Supreme Court and High Courts can issue **Writs** to compel or restrain executive action:
  - **Habeas Corpus:** Protects against unlawful detention.
  - **Mandamus:** Commands a public official to perform their legal duty.
  - **Prohibition:** Prevents a lower authority from exceeding its jurisdiction.
  - **Certiorari:** Quashes an illegal order passed by an administrative body.
  - **Quo Warranto:** Challenges a person’s right to hold a public office.
- ✓ **Principles of Administrative Law:** Courts apply specific tests to review executive decisions:
  - **Illegality:** Checking if the executive acted outside the scope of its legal power.
  - **Irrationality (Wednesbury Principle):** Ensuring that executive decisions are not so absurd that no sensible person could have made them.
  - **Procedural Impropriety:** Ensuring that the rules of "natural justice"—such as the right to a fair hearing and the rule against bias—are followed.
- ✓ **Proportionality:** Courts check if the government's action is excessive in relation to the problem it seeks to solve.

**Mechanisms of Control**

| Feature | Control Over Legislature | Control Over Executive |
|---|---|---|
| **Primary Mechanism** | Judicial Review of Acts | Judicial Review of Administrative Action |
| **Grounds** | Unconstitutionality | Illegality, Irrationality, Procedural Error |
| **Key Instrument** | Declaration of void laws | Writs, Injunctions, Damages |
| **Core Philosophy** | Protecting the Constitution | Protecting Rule of Law |

**Important Concepts**

- ➢ **Separation of Powers:** While the three branches are distinct, they are interdependent. The judiciary does not "run" the government but ensures it stays on the tracks laid by the Constitution.
- ➢ **Judicial Activism:** This occurs when the judiciary takes a proactive role—sometimes filling legislative voids or nudging the executive to act on issues like environmental protection or corruption—to prevent a breakdown in governance.
- ➢ **Judicial Restraint:** This is the balancing concept where courts avoid overstepping into policy-making, respecting the role of elected representatives in governance.

  Judicial control is not absolute. It is constrained by the principle of locus standi (the right to bring a case), the doctrine of res judicata (prevents re-litigating settled matters), and the constitutional protection afforded to legislative proceedings (e.g., Articles 121/211 in India, which restrict courts from discussing legislative debates).

## <u>Administrative Culture</u>

- ➢ The theory of **Administrative Culture** posits that the behavior, decision-making processes, and interactions of public officials are not merely dictated by formal rules and laws, but are profoundly shaped by an "internalized" set of shared values, beliefs, and societal norms.
- ➢ In essence, it is the **"DNA" of a government organization**—it explains why different bureaucracies, even when operating under similar legal frameworks, produce vastly different outcomes.
- ➢ The theory of **Administrative Culture** is not the result of a single "eureka" moment by one specific author. Instead, it evolved from the broader application of **political culture** studies to the field of public administration.

**Intellectual foundations and the popularization of the term, the credit is generally shared by a few key scholars:**

1. **The Intellectual Origins: Gabriel Almond**
   The "cultural approach" in the social sciences—which serves as the bedrock for administrative culture theory—was pioneered by **Gabriel Almond**. He was the first to emphasize that political systems cannot be understood by looking at formal institutions alone; they must be understood through the "political culture" (the values, beliefs, and attitudes) of the people and the officials within them.

2. **The Popularization: Almond and Verba**
   The term "administrative culture" gained widespread recognition following the 1963 publication of the seminal work **"The Civic Culture"** by **Gabriel Almond and Sidney Verba**.
   - ✓ While their work focused on political culture at the societal level, it provided the essential framework for scholars of Public Administration to start viewing bureaucracies not as mechanical, rule-bound machines (as Max Weber had suggested), but as social organizations deeply embedded in and influenced by the surrounding culture.

3. **The Ecological Contribution: Fred Riggs**
   Another critical figure in the development of this thinking is **Fred Riggs**. His "ecological approach" to administration is perhaps the most direct link to the theory of administrative culture.
   - ✓ Riggs argued that administrative systems are "culture-bound" and cannot be separated from their social, economic, and political environment.
   - ✓ His model—comparing **Agraria** (traditional societies) and **Industria** (modern industrial societies)—highlighted how administrative behavior changes based on the cultural and social "ecology" in which it operates.

   The theory is considered a **synthesis** rather than a single invention. It is the result of scholars in the mid-20th century moving away from the "Scientific Management" school (which assumed all bureaucracies should behave the same way regardless of location) toward a more **Behavioral and Comparative** approach.

**In short:**

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|---|
| **Gabriel Almond** introduced the cultural lens to political science. |
| **Almond and Sidney Verba** popularized the cultural framework. |
| **Fred Riggs** applied the "ecological" (cultural/environmental) perspective specifically to public administration. |

Administrative culture is defined as the **collective repository of values, attitudes, and behavioral patterns** that public officials use to perform their duties. It acts as a bridge between the formal, legal requirements of an office and the actual, daily conduct of the individuals holding those positions.

- ➢ **Formal vs. Informal:** While the formal side consists of rulebooks and hierarchy, the informal side (the culture) determines whether those rules are followed strictly, bent to favor certain groups, or ignored entirely.

1. **The Determinants of Administrative Culture**
   Scholars often identify three primary forces that converge to shape this culture:
   - ✓ **Societal Environment:** Administration is "culture-bound." An administrator in a society that values hierarchy and patron-client relationships will behave differently than one in a culture that emphasizes egalitarianism and transparency.
   - ✓ **Historical Legacy:** Institutions often carry the "ghosts" of their past. For example, colonial-era administrative structures frequently instill an elite, authoritarian, or rule-obsessed orientation that persists long after the colonial power has left.
   - ✓ **Organizational Context:** The specific systems, procedures, and leadership styles within a government body influence how officials perceive their goals. If an agency rewards "risk avoidance," the culture will naturally become rigid and slow.

2. **Key Variables/Components**

To analyze administrative culture, one must look at these four dimensions:

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| 1. **The Administrator's Personality:** The personal values and professional ethics of the individual official. |
| 2. **Perception of Goals:** Whether the bureaucracy sees itself as an "instrument of development" (proactive) or a "guardian of status quo" (passive). |
| 3. **Time and Situation:** How officials react to immediate pressures (e.g., political crises, economic downturns) versus long-term planning. |
| 4. **Behavioral Patterns:** How officials interact with political leaders, other departments, and the general public. |

**Importance in Governance**

Administrative culture is the primary driver of the **"gap between form and reality."**

- **Policy Success/Failure:** A policy can be perfectly designed, but if the administrative culture is characterized by corruption or inertia, the policy will fail in implementation.
- **The "Formalism" Problem:** In many developing nations, the law might mandate democratic, transparent processes (the "form"), but the administrative culture may continue to practice centralized, opaque decision-making (the "reality"). This discrepancy is a core focus of studies on administrative culture.
- **Governance Reform:** Changing an organization by simply changing the law is often ineffective. Real change requires **cultural transformation**—a long, slow process involving training, new incentives, and shifting societal expectations.

## Dimensions of Influence

| Influencing Factor | Impact on Administration |
|---|---|
| **Historical** | Determines the level of rigidity, elitism, or service-orientation. |
| **Political** | Dictates the degree of autonomy or subservience of the bureaucracy. |
| **Societal** | Shapes the expectations of citizens and the norms of the officials. |
| **Institutional** | Sets the rules, procedures, and rewards that reinforce behavior. |

In the study of comparative public administration, the theory of administrative culture is vital because it explains why "imported" administrative models from Western nations often struggle in other parts of the world. Because those models ignore the local "culture," they often fail to take root. Understanding this theory is essential for anyone interested in why bureaucracies act the way they do and how to effectively reform them.

## Corruption & Administrative Reforms

Corruption in public administration represents the abuse of delegated authority for private, rather than public, gain. It is a complex issue that functions as a "hidden tax" on development, stifling economic growth, undermining the rule of law, and eroding the essential trust between citizens and the state.

**Core Forms of Corruption**

Administrative corruption manifests in various ways, ranging from low-level "petty" exchanges to systemic "state capture":

- **Bribery:** Offering, promising, or receiving an undue advantage to influence an official's actions.
- **Extortion:** The abuse of state power to force individuals or businesses to pay for services to which they are already entitled.
- **Embezzlement & Fraud:** The theft of public funds or assets, often through "ghost workers," fake companies, or overbilling on government contracts.
- **Nepotism & Favoritism:** Appointing family or friends to public positions regardless of merit, or showing partiality in awarding contracts.
- **Influence Peddling:** Using one's political or administrative position to gain advantages or preferential treatment for third parties.

**Developmental Impact**

The consequences of administrative corruption are profound and often disproportionately affect the most vulnerable members of society:

- **Service Delivery Failure:** Funds intended for healthcare, education, and infrastructure are siphoned off, leading to poor-quality public services and stalled development projects.
- **Economic Distortion:** High levels of corruption deter foreign and domestic investment, as the added cost of doing business makes markets less attractive and stable.
- **Social Inequality:** Corruption often denies the poor access to basic rights and opportunities, as access becomes contingent on an ability to pay bribes.
- **Institutional Erosion:** When institutions—such as the police, judiciary, or regulatory bodies—are compromised, they fail to enforce the law fairly, fostering a culture of impunity.

**Strategies for Reform**

Combating corruption requires a holistic approach that moves beyond simple punishment to address the root causes of the behavior:

| **Strategy Category** | **Key Actions** |
|---|---|
| **Institutional Oversight** | Strengthening independent anti-corruption bureaus, ombudsman offices, and external auditing bodies. |
| **Digital Transformation** | Implementing e-governance to automate processes, reduce human discretion, and create transparent "digital trails." |
| **Procedural Simplification** | "Cutting red tape" by removing unnecessary bureaucratic layers that provide opportunities for rent-seeking. |
| **Transparency & Access** | Adopting "Right to Information" (RTI) laws, open data initiatives for public procurement, and public financial disclosure. |
| **Whistleblower Protection** | Establishing secure, anonymous channels for reporting misconduct to protect those who expose corruption from retaliation. |
| **Ethical Capacity Building** | Training public servants on integrity standards and aligning career incentives with ethical behavior rather than political patronage. |

Administrative reform means bringing such planned changes in administration, which can increase administrative capabilities and make it easier to achieve social goals.

Thus, it is a process which continuously progresses on the path of development in a planned manner. Along with this, through this the organization can be changed as per the needs

| | | |
|---|---|---|
| The concept of administrative reform is believed to have been used for the first time by an experiment conducted by '**Jean Rudolph Peronne**' of France. Later | **Frederick Taylor** of America gave the **'Principle of Scientific Management'**. Similarly | **Elton Mayo** also made important contribution. The effect of this was that various commissions were formed from time to time. |

**Administrative reforms during the British rule in India**

The major commissions appointed by the British government for administrative reforms were-

(i) Achaean Commission

(ii) Lee Commission

(iii) Islington Commission.

**<u>Aitchison Commission –</u>**

- Aitchison Commission was appointed to make recommendations on Indian Civil Services.
- Lord Dufferin appointed a "Public Service Commission" known as the Aitchison Commission under Sir Charles Aitchison.
- The Aitchison Commission of 1886 was chaired by Sir Charles Aitchison.

**Lee Commission –**

- Body appointed by the British Government in 1923 to consider the caste composition of the superior Indian public services of the Government of India.
- The Lee Commission proposed in 1924 that 40 percent of prospective entrants should be British, 40 percent Indians should be directly recruited, and 20 percent Indians should be promoted from the provincial service.

**Islington Commission**

- 1 Islington Commission was appointed in 1912 AD. Its objective was to

consider the problem of recruitment of Indians to higher posts, especially in the Indian Civil Service.

- Lord Islington was the chairman of the commission, and Indian and British public leaders were its members.

**Committees and commissions for administrative reforms after independence**

1. **Secretariat Reorganization Committee or Vajpayee Committee (1947)**
2. **Austerity Committee (1948)**
   - ✓ The chairman of this committee was the country's leading industrialist **Kasturbhai Lalbhai.**
   - ✓ This committee analyzed the increasing civilian expenditure of the Central Government and made important recommendations related to bringing economy in administration and eliminating unnecessary expenses.
3. **Iyengar Committee Report (1949)**

   The following suggestions were given by this committee for improvement in civil service.
   - ✓ It recommended the introduction of the Appointments Committee and on its recommendation the Appointments Committee was introduced in the year 1950.
   - ✓ It recommended maintaining the levels of Cabinet Minister, Minister of State and Deputy Minister.
   - ✓ Deputy Ministers should be used by ministers to discharge their parliamentary responsibilities.
   - ✓ Deputy Ministers should be used as a link between ministries and members of the legislature.
4. **Gorbala Report (1951)**

   To examine the suitability of the then administration and its systems in the context of planned development. D. Gorbala was appointed, who gave the following suggestions in his report-

   (i) Things of highest importance should be given priority.
   (ii) The results should be evaluated.
   (iii) Honesty and integrity should be checked in implementing policies.
   (iv) Good relations between ministers and senior officials will strengthen efficient administration.
   (v) Compared government enterprises and private enterprises.
5. **Recommendations of pc hota committee (2004)**

   Reforms in bureaucracy begin with the recommendations of the Hota Committee, which are as follows
   - ✓ The age limit of general category candidates for admission to civil services should be 21-24 years.
   - ✓ It should be mandatory for all administrative officers to declare their annual movable and immovable assets on the website.
   - ✓ The Constitution should be amended as necessary and the President and the Governor should be given the power to suspend and dismiss corrupt officials.
   - ✓ Administrative officers should not be allowed to join any political party or contest elections for at least two years after their retirement or submission of resignation letter.
   - ✓ E-governance should be encouraged in administrative services.
   - ✓ Representation of women officers in administrative services should be increased to 25%

6. **First Administrative Reforms Commission (1966)**
   - ✓ Administrative Reforms Commission was established on 5 January 1966 to investigate the administration of the country and to make recommendations regarding reform and reorganization of administration as per requirement.
   - ✓ Its first chairman was Shri Morarji Desai.The other 4 members were- Sarvashree K. Hanumantaiah, Harishchandra Mathur, G. S. Pathak and H.B. Kamath. Shri V. Shankar was its member secretary.

**On 17 March 1967, K. Hanumantaiah was made the Chairman. In 1968 T.N. Singh was made the president.**

**Commission's recommendations**

- An all India officer named Lokpal should be appointed to investigate allegations against central and state ministers and secretary level public servants.
- The size of the Council of Ministers should be determined as per
- requirement and discretionary adjustments should be made-in-the-distribution of portfolios
- Inter-State Council should be established under Article 263. Its chairman should be the Prime Minister and the Finance Minister, Home Minister,
- Leader of the Opposition and one representative from each regional council should also be its members.
- Government employees should not have the right to strike of any kind. Grievances should be resolved by discussion council.
- Before the appointment of the Governor, the Chief Minister of that state must be taken into confidence.
- During President's rule in the state, there should not be much interference by the Union Government and the Governor And his advisors should be allowed to rule as per their wish.

7. Second Administrative Reforms Commission (2005) The Second ARC was set up of the Government of India as a committee of inquiry to prepare a detailed blueprint for revamping the public

**administration system.**

**Structure:**

**ARC Veerappa Moily - Chairman**
**V. Ramachandran - Member**
**Dr. A.S. AP Mukherjee - Member**
**Dr. A.H. Kalro - Member**
**Jai Prakash Narayan- Member**
**Vineeta Rai - Member Secretary**

Veerappa Moily resigned on 1 April 2009. V. Ramachandran was appointed president. Jayaprakash Narayan resigned on 1 September 2007.

The Commission was empowered to suggest measures to achieve a proactive, responsive, accountable, sustainable and efficient administration of the country at all levels of government.

# Part-3- Institutional Mechanisms for Good Governance

## Right to Information Act

The Right to Information Act, often abbreviated as RTI Act, is a law enacted by the government that gives citizens the right to seek information from public authorities. It promotes transparency, accountability, and participation in governance by providing a legal framework for citizens to access government records, files, and other information.

The RTI Bill was passed by Parliament of India on 15 June 2005 and came into force with effect from 12 October 2005.