

# Governance



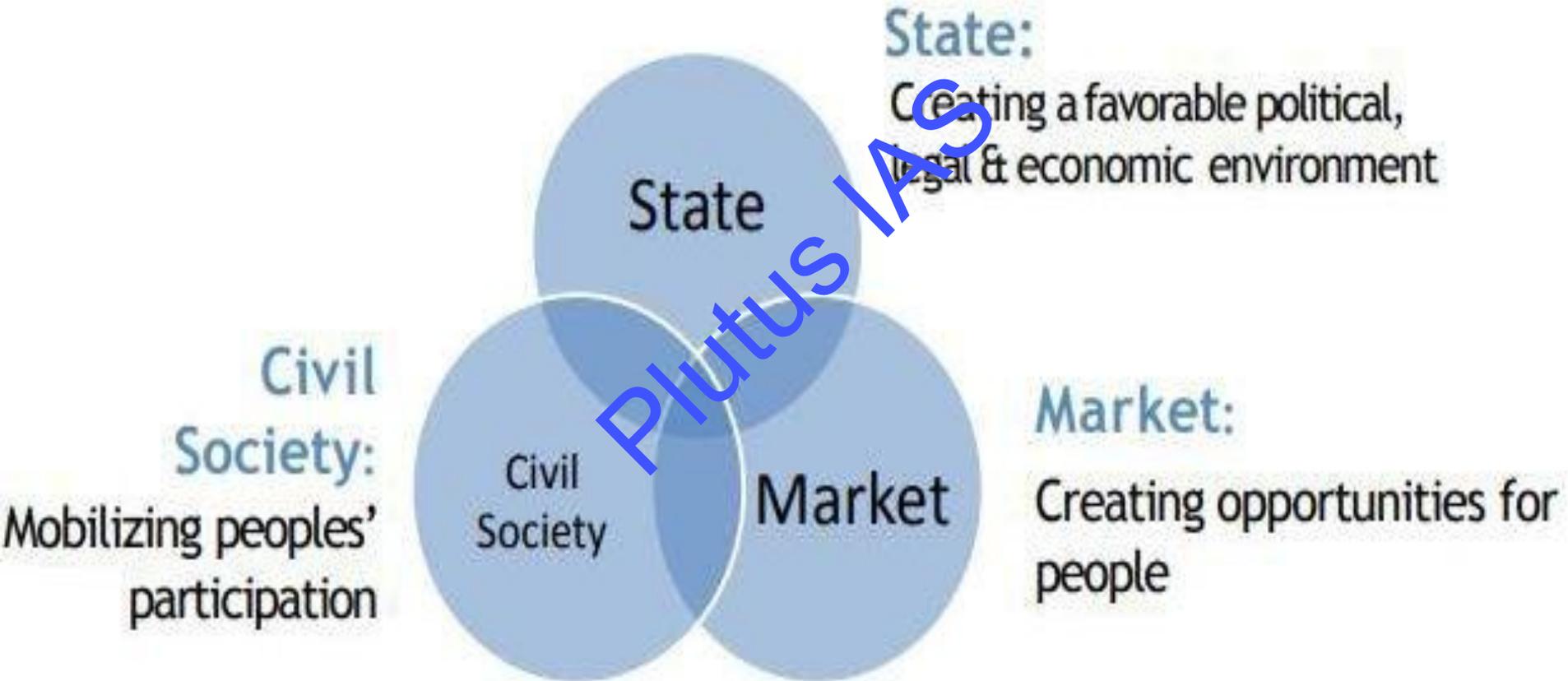
# What is governance



In 1993, the World Bank defined governance as the method through which power is exercised in the management of a country's political, economic and social resources for development.

PLUTUS IAS

# *Governance: Goes beyond the Government*

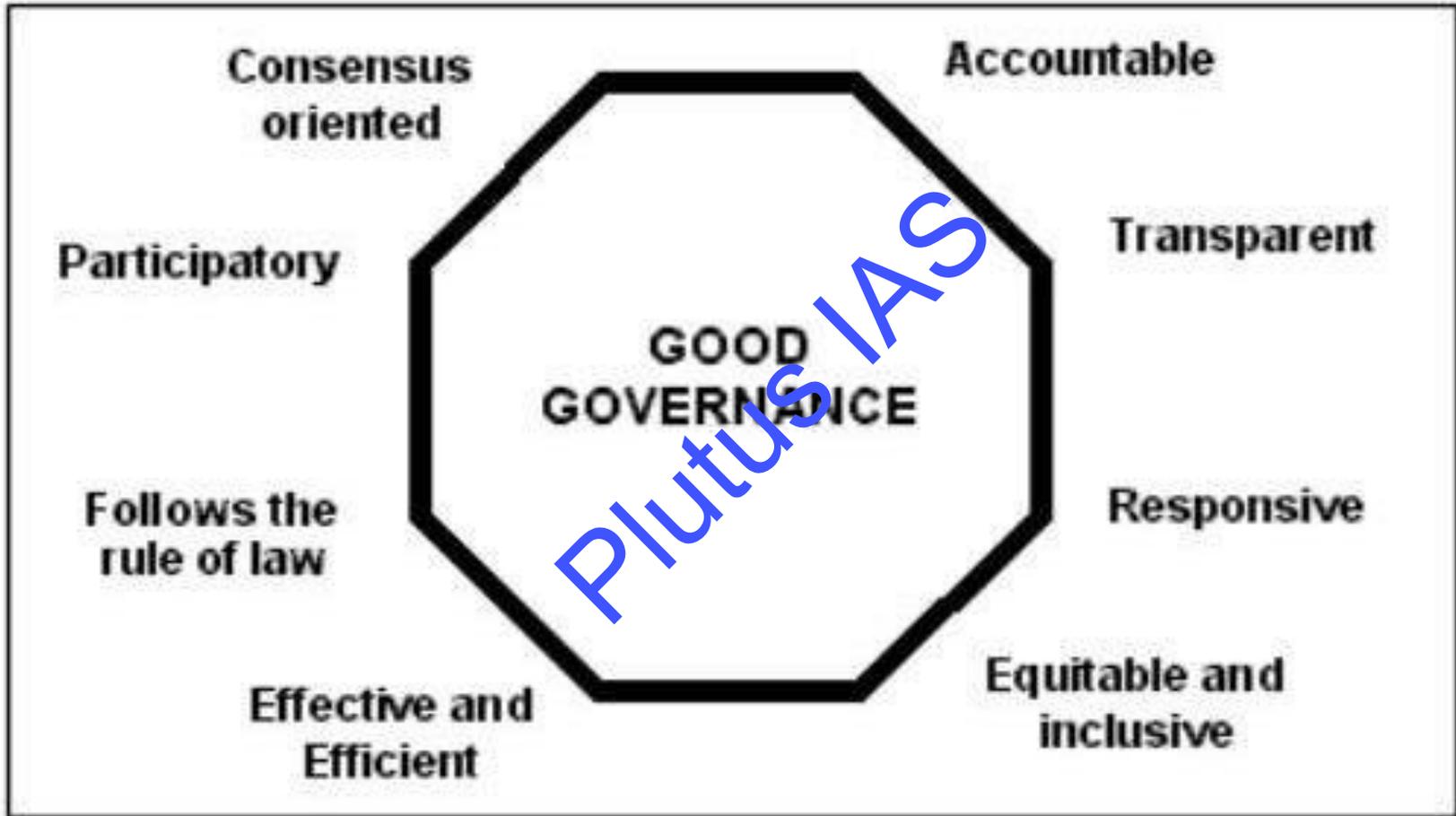


# What is Good Governance



It means positive attributes and values associated with the quality of governance.

Plutus IAS



**Participation:** Participation of all section of society

**Consensus oriented:** broad consensus on Good governance

- requires mediation of the different interests in society

**Rule of Law:** Good governance requires fair legal frameworks that are enforced impartially.

**Transparent:** Transparency means that decisions taken and their enforcement

**Accountable:** Accountability is the acknowledgment and assumption of responsibility for actions, products, decisions, and policies.

**Responsive:** Good governance requires that institutions and processes try to serve all stakeholders within a reasonable timeframe.

**Effective and Efficient:** Good governance means that processes and institutions produce results into the optimum use of resources at their disposal.

**Equitable and Inclusive:** A society's well being depends on ensuring that all its members feel they have a stake in it and do not feel excluded from the mainstream of society.

Plutus IAS

| Governance Issues   | Governance Components   | Indicators  |
|---|---|---|
| The Process by which Governments are selected, monitored, and replaced  | <ul style="list-style-type: none"> <li>• Voice and Accountability</li> <li>• Political Stability</li> </ul> | <ul style="list-style-type: none"> <li>• Extent of citizens participation in selection of governments</li> <li>• Civil liberties , political rights</li> <li>• Perceptions that the government in power will be destabilised by possible unconstitutional means</li> </ul>  |
| The Capacity of the government of effectively formulate and implement policies                                | <ul style="list-style-type: none"> <li>• Governance Effectiveness</li> <li>• Regulatory Quality</li> </ul>  | <ul style="list-style-type: none"> <li>• Perceptions of quality of public service provision, quality of bureaucracy, competence of civil servants, independence of civil service from political pressures, credibility of government's commitment to policies.</li> <li>• The incidence of market unfriendly policies such as price controls</li> </ul>               |
| The respect of citizens and the state for institutions that govern economic and social interaction among them | <ul style="list-style-type: none"> <li>• Rule of Law</li> <li>• Control of Corruption</li> </ul>            | <ul style="list-style-type: none"> <li>• Success of the society in developing an environment in which fair and predictable rules form the basis for economic and social interactions</li> <li>• Perceptions of the incidence of crime, effectiveness and predictability of judiciary and enforceability of contracts.</li> <li>• Perceptions of corruption</li> </ul> |

The nature of political contestation, conduct of political players & institutions, use & abuse of political authority and citizen's faith in the political system

**Political**

Ability of the State to manage its human, financial and technological resources and deliver basic services to public

**Administrative**

Ability of the State to maintain law & order, safeguard human rights, enable access & delivery of justice

**Legal & Judicial**

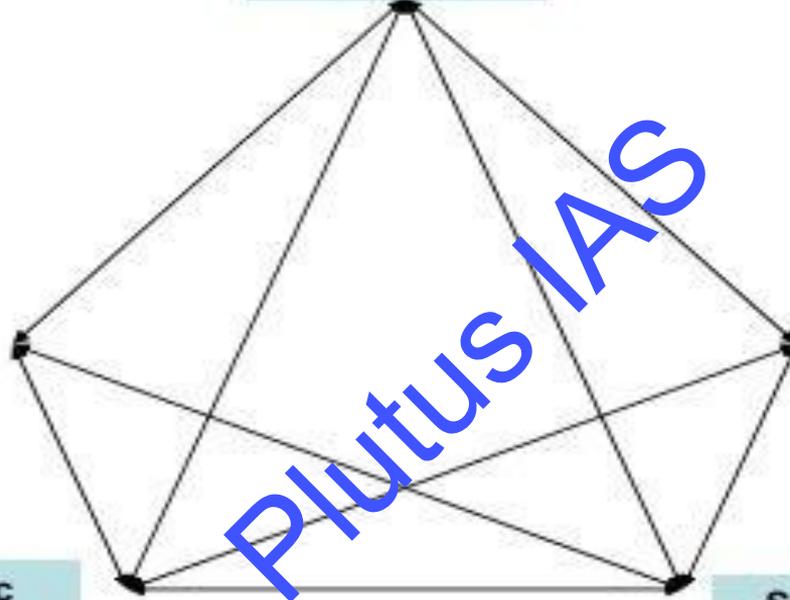
**Economic**

Ability of the State to create a conducive climate for business in all sectors and ensure macro-economic stability

**Social**

Ability of the State to take care of the vulnerable sections of the society; role & quality of the civil society & media & environmental governance

Plutus IAS



# Governance Issues in India

- **Political Issues:**

- o Criminalization of Politics
- o Misuse of political power
- o Decentralization more in letter less in spirit

- **Legal and Judicial issues**

- o Delayed justice, issue of under trials
- o Lack of accountability in Judiciary
- o Threat to life and personal security

## • **Administrative issues**

- o Lack of sensitivity, transparency and accountability in the working of State machinery
- o Bureaucratic Delays
- o Resistance to changes which promote transparency and accountability
- o Corruption

Plutus IAS

## **Economic issues**

- o Poor management of economy
- o Persisting fiscal imbalances
- o Regional disparities

## **Social and Environmental issues**

- o Denial of basic services to a substantial proportion of the population
- o Marginalisation and exclusion of people on account of social, religious, caste and gender affiliation
- o Existence of a significant number of voiceless poor with little opportunity for participation in governance; and
- o Deterioration of physical environment, particularly in urban areas.

## Good governance initiatives can be summarized as following:

- Decentralization and People's Participation - 73rd and 74th Constitutional amendment Act
- Developing programs for weaker sections and backward areas
- Financial management and budget sanctity
- Simplification of procedures and processes
- Citizen's Charters
- Sevottam model
- Redress of Citizen's Grievances
- E-Governance and use of ICT tools
- Public service morale & anti-corruption measures
- Transparency and Accountability measures
- Right to Information

Plutus IAS

## What is Citizen Charter

A Citizen Charter is a document that outlines the commitment of a public body towards standard, quality and timeframe of service delivery along with grievance redress mechanism.

Plutus IAS

## The six principles of the Citizen's Charter movement as originally framed were:

1. Quality: Improving the quality of services;
2. Choice: Wherever possible;
3. Standards: Specifying what to expect and how to act if standards are not met;
4. Value : For the taxpayers' money;
5. Accountability: Individuals and Organisations; and
6. Transparency: Rules/Procedures/Schemes/Grievances

# Significance of Citizen Charter

- It makes a public institution transparent and accountable.
- It can be an effective tool to engage the civil society and to curb corruption.
- It aims at enhancing standards of service delivery.
- It makes government more responsive.
- It enhances people participation in governance process and the credibility of the government.

Plus IAS

# The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011

## Highlights of the Bill

- ◆ The Bill seeks to create a mechanism to ensure timely delivery of goods and services to citizens.
- ◆ Every public authority is required to publish a citizens charter within six months of the commencement of the Act. The Charter will detail the goods and services to be provided and their timelines for delivery.
- ◆ A citizen may file a complaint regarding any grievance related to: (a) citizens charter; (b) functioning of a public authority; or (c) violation of a law, policy or scheme.
- ◆ The Bill requires all public authorities to appoint officers to redress grievances. Grievances are to be redressed within 30 working days. The Bill also provides for the appointment of Central and State Public Grievance Redressal Commissions.
- ◆ A penalty of up to Rs 50,000 may be levied upon the responsible officer or the Grievance Redressal Officer for failure to render services.

## Analysis

- ◆ Parliament may not have the jurisdiction to regulate the functioning of state public officials as state public services fall within the purview of state legislatures.
- ◆ This Bill may create a parallel grievance redressal mechanism as many central and state laws have established similar mechanisms.
- ◆ Companies that render services under a statutory obligation or a licence may be required to publish citizens charters and provide a grievance redressal mechanism.
- ◆ The Commissioners may be removed without a judicial inquiry on an allegation of misbehaviour or incapacity. This differs from the procedure under other legislations.
- ◆ Appeals from the Commissions' decisions on matters of corruption will lie before the Lokpal or Lokayuktas. The Lokpal and some Lokayuktas have not been established.
- ◆ Only citizens can seek redressal of grievances under the Bill. The Bill does not enable foreign nationals who also use services such as driving licenses, electricity, etc., to file complaints.

## APPENDIX: Comparison with some Acts on Right to Public Services

**Table 1: Comparison between the Central Bill and State laws**

| Issues  | Central Bill  | J&K  | Delhi  | Bihar/MP/UP/Rajasthan  | Punjab/Uttarakhand   | Himachal Pradesh  |
|---|---|--|--|--|--|---|
| <b>Complainants</b>                           | Citizens of India.  | All persons eligible to obtain the services.   | Citizen of India.  | All persons eligible to obtain the services.   | All persons eligible to obtain the services.   | All persons eligible to obtain the services.  |
| <b>Entities to which the Bill/law applies</b> | (a) constitutional and statutory authorities; (b) entities notified by government; (c) NGOs; (d) some private entities.   | State government.  | (a) constitutional and statutory authorities; (b) entities notified by the government, (c) NGOs; and (d) state agencies.                           | State government.  | State government.  | State government.   |
| <b>Procedure</b>                              | Application for services to the designated officer with four rounds of appeal. The third round of appeal is before Commissions at the Centre or the State. In corruption cases, an appeal would lie before the Lokpal or Lokayukta. | Application for services to the designated officer with two rounds of appeal. If a designated officer or the first appellate authority is aggrieved by the order of the second appellate authority he may file a revision before the special tribunal. | Application for services is to be filed with concerned department, with one round of appeal for the public official.                               | Application for services to the designated officer with two rounds of appeal. An aggrieved designated officer or the first appellate authority may file a revision before a nominated officer.                         | Application for services to the designated officer with three rounds of appeal. The third round of appeal is before the Commission. Any person may file a revision against orders of second appellate authority before the Commission. | Application for services to the designated officer with two rounds of appeal.                         |
| <b>Penalty</b>                                | Maximum penalty of Rs 50,000 on the designated officer or the grievance redressal officer.  | Penalty of Rs 500 – Rs 5,000 on the designated officer for non-delivery of services and on first appellate authority for delay in case disposal. Delay may be penalised with Rs 250 per day not exceeding Rs 5,000.                                    | Every government servant who fails to deliver the services within the stipulated time period shall be liable to pay cost at Rs 10 per application. | Penalty of Rs 500 – Rs 5,000 on the designated officer for non-delivery of services and on first appellate authority for delay in disposal of case. Delay may be penalised with Rs 250 per day not exceeding Rs 5,000. | Penalty of Rs 500 – Rs 5,000 on the designated officer for non-delivery of services. Delay may be penalised with Rs 250 per day not exceeding Rs 5,000.  | Penalty of Rs 1000 – Rs 5,000 on the designated officer for non-delivery of services.                 |
| <b>Disciplinary action</b>                    | The DA may recommend to the disciplinary authority to initiate action against the designated officer.   | Disciplinary action may be recommended against the designated officer or the first appellate authority.  | In case of habitual offenders the competent officer can take appropriate administrative action.  | Disciplinary action may be recommended against the designated officer or the first appellate authority.  | Disciplinary action may be recommended against the designated officer or other officials.  | Disciplinary action may be recommended against the designated officer.                                |
| <b>Compensation</b>                           | Not mandatory. Amount shall not exceed the penalty imposed and it shall be deducted from the penalty.   | Not mandatory. Amount shall not exceed the penalty imposed and it shall be deducted from the penalty.  | Mandatory. Amount not specified.   | Not mandatory. Amount shall not exceed the penalty imposed and it shall be deducted from the penalty.  | Not mandatory. Amount shall not exceed the penalty imposed and it shall be deducted from the penalty.  | Not mandatory. Amount shall not exceed the penalty imposed and it shall be deducted from the penalty. |
| <b>Commissions</b>                            | At the central and state level.   | No provision.  | No provision.  | No provision.  | <b>Punjab:</b> 5 Commissioners.<br><b>UK:</b> 3 Commissioners  | No provision.   |

## Issues with Citizen Charters in India:

- Absence of legal backing to charters. The Citizen's Charter is not legally enforceable and, therefore, is non-justiciable.
- **Poor design and content:** Critical information that end users need to hold agencies accountable are missing in charters.
- **Lack of consultation:** End-users and NGOs are not consulted when Charters are drafted.
- **Inadequate groundwork:** Non-familiarity of the service providers with the philosophy, goals and main features of charters.
- **Lack of public awareness:** Effective efforts of communicating and educating the public about the standards of delivery have not been undertaken.
- **Resistance to change:** Vested interests work for stalling the Citizens' Charter altogether or in making it toothless.

- Lack of review: The review and updation exercise of charters have been very poor.
- The needs of senior citizens and other special categories including differently abled has largely not been factored in charter exercise.
- Charters haven not been prepared in vernaculars.
- Details of public grievance officer are not provided in many charters.

Plutus IAS

## Recommendations of 2nd ARC report

- One size does not fit all
- Citizen's Charter should be prepared for each independent unit under the overall umbrella of the organization's charter
  - Wider consultation which should include civil society in the process
  - Firm commitments to be made
- Internal process and structure should be reformed to meet the commitments given in the Charter
  - Redress mechanism in case of default
  - Periodic evaluation of Citizen's Charters
  - Benchmark using end-user feedback
  - Hold officers accountable for the results

## What is Sevottam Model?

The Sevottam model has been developed with the overarching objective of improving the quality of public service delivery in the country. It is a combination of two words Seva (service), Uttam (excellence).

Plutus IAS

Citizens' Charter

Implementation  
Monitoring  
Review

Delivery Capability

Customers  
Employees  
Infrastructure

Sevottam  
Model

Receipt  
Redress  
Prevention

Public Grievances

Plutus IAS

## **The model prescribes seven steps:**

1. Define services and identify clients.
2. Set standards and norms for each service.
3. Develop capability to meet the set standards.
4. Perform to achieve the standards.
5. Monitor performance against the set standards.
6. Evaluate impact through an independent mechanism.
7. Continuous improvement based on monitoring and evaluation

**Social Audit:-** Social audit is a process in which details of resources used by public agency for development initiatives are shared with people often through public platforms, which allows end users to scrutinize the impact of developmental programs

PlusIAS

| <b>Financial Audit</b>   | <b>Operational Audit</b>   | <b>Social Audit</b>   |
|--|--|---|
| Directed towards recording, processing, summarising and reporting of financial data. | Establishing standards of operation, measuring performance against standards, examining and analysing deviations, taking corrective actions and reappraising standards based on experience are the main focus. | Social Audit provides an assessment of the impact of a department's non-financial objectives through systematic and regular monitoring on the basis of the views of its stakeholders. |

# Principles of Social Audit

1. Multi-Perspective/Polyvocal: Reflect the views of all the stakeholders.
2. Comprehensive: Report on all aspects of the organisation's work and performance.
3. Participatory: Encourage participation of stakeholders and sharing of their values.
4. Multidirectional: Stakeholders share and give feedback on multiple aspects.
5. Regular: Produce social accounts on a regular basis so that the concept and the practice become embedded in the culture of the organisation covering all the activities.
6. Comparative: Provide a means whereby the organisation can compare its performance against benchmarks and other organisations' performance.

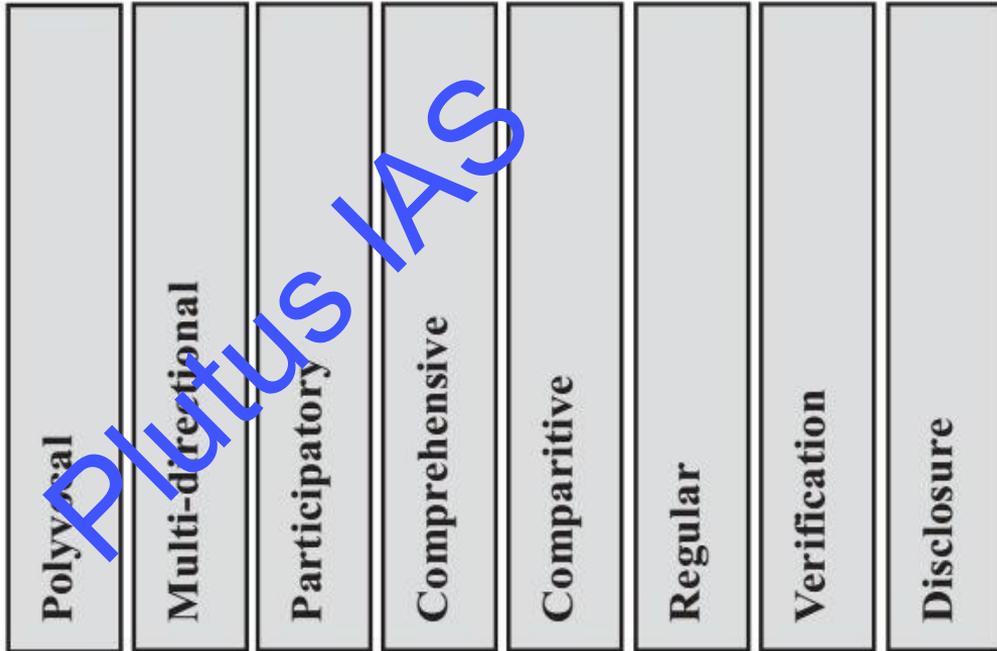
# Upholding universal values through Social Audit

Equity, Social Responsibility, Trust, Accountability, Transparency, Inclusive, Caring and Peoples' Well Being

Universal Values

Pillars of Social Audit

Foundation of Social Audit



Specific socio-cultural, administrative, legal and democratic setting

2018: Citizens' Charter is an ideal instrument of organizational transparency and accountability. But, it has its own limitations. Identify the limitations and suggest measures for greater effectiveness of the Citizens Charter.

2013: Though Citizen's charters have been formulated by many public service delivery organizations, there is no corresponding improvement in the level of citizens' satisfaction and quality of services being provided. Analyze.

## **Need for social audit**

**.Reduces corruption:** SA uncovers irregularities and malpractices in the public sector and maintains oversight on government functioning, thus reducing leakages and corruption.

**.Monitoring and feedback:** It monitors social and ethical impact of an organisation's performance and provides feedback on the work.

**.Accountability and transparency:** SA ensures accountability and transparency in working of local government bodies and reduces trust gap between people and local governments.

**5. Strengthens the Gram Sabha:** SA gives voice and influencing power to the Gram Sabha, the lynchpin of rural governance structure.

**.Generates demand:** Serves as the basis for framing the management's policies by raising demands in a socially responsible and accountable manner by highlighting the real problems.

**.Improves professionalism:** SA boosts professionalism in public bodies by forcing Panchayats to keep proper records and accounts of the spending made against the grants received from the

**Collective platform:** SA provides a collective platform for people to express their common needs, resulting into social cohesion.

## Shortcomings in Social audits

- Rules not followed:** In many states, Social Audit Units (SAUs) don't seek record from Gram Panchayats regarding execution of works and expenditure (CAG report), social audit reports are either not prepared or not made available to gram sabha in local languages.
- SAUs lack independence:** Several SAUs do not have adequate staff to cover all the panchayats even once a year.
- No incentive to participate:** Lack of interest in people about the village activities due to their livelihood reasons.
- Not institutionalised:** Government has not mandated institutionalisation of SA thus making auditors vulnerable to implementing agencies, who face resistance and intimidation and find it difficult to even access primary records for verification. There is lack of administrative and political will in

.The scope of social audits covers only selected aspects out of a wide range of audit concerns in the financial, compliance and performance audits.

.The impact of audit on programme outcomes such as employment generation, targeting of the SC/ST population is often absent.

.The audits did not result in effective redressal due to **lack of follow up and enforcement of punishments**. There is absence of vigilance cells in most of the cases. Lack of focused media attention and scrutiny to social audits.

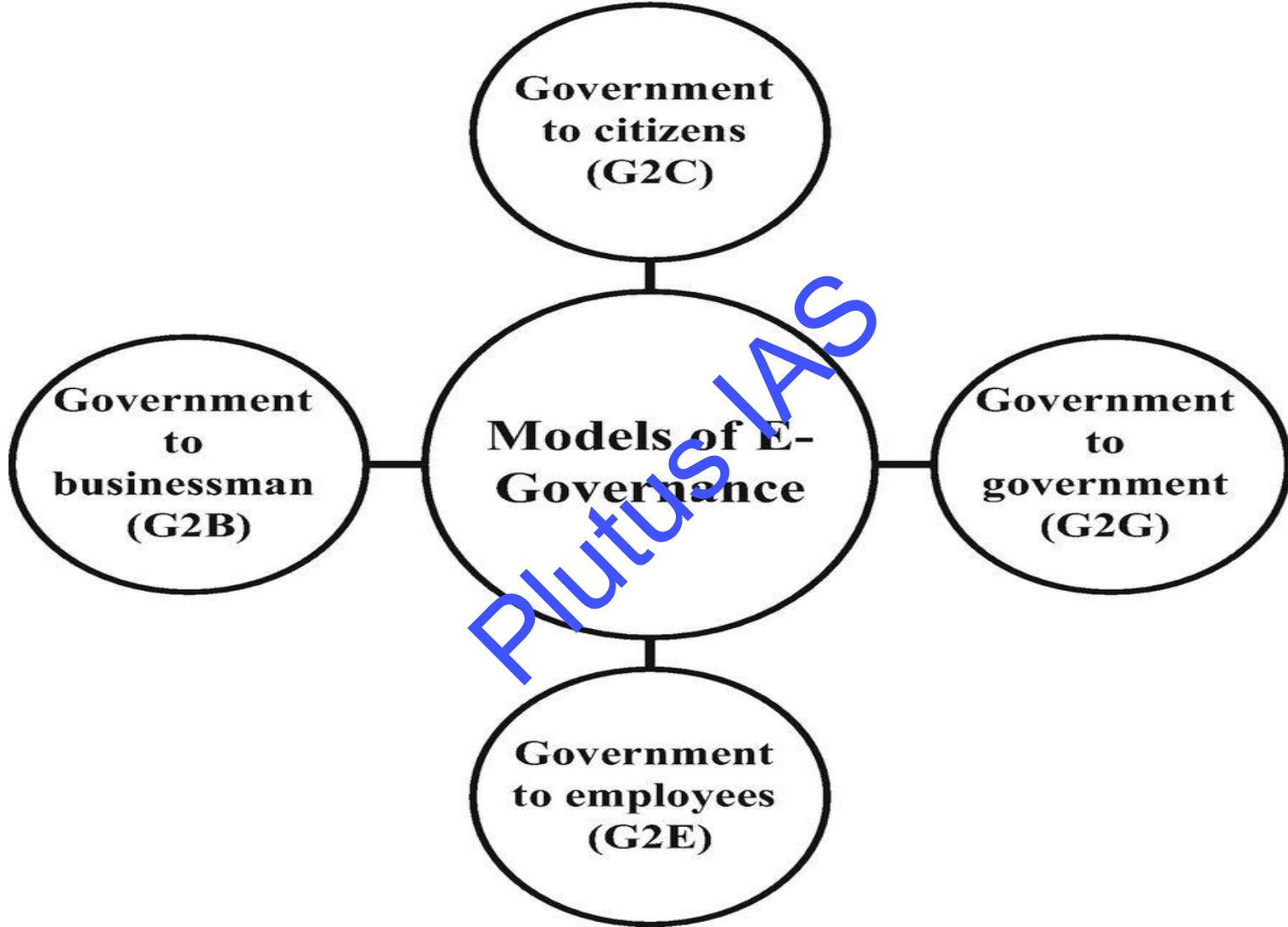
.There is clear lack of awareness among people. Inadequate

## **Suggestions to improve social audits**

1. Making people aware of their rights, entitlements and obligations under the scheme.
2. Ensure institutionalisation of social audits across all states making it enforceable and credible contract allocating responsibilities, defining timelines and ensuring prompt penalty to the guilty.
3. Making sure that all the forms and documents are in simple, easily understandable language and structure and available in local languages.
4. Findings of the social audit process need to be acted upon as they become available and that apart from addressing the specific issues, systemic changes are also brought about.
5. Learning from the progress made by the civil society groups and Gram Sabhas in Andhra Pradesh and Rajasthan in setting up separate directorates for social audit, other states can also introduce such measures.
6. NGOs can help in strengthening social audits such as MKSS in Rajasthan.

# What is E-governance?

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.



## Government to Citizen (G2C)

Payment of online bills such as electricity, water, telephone bills etc.

- Online registration of applications
- Online copies of land-record
- Online filling of complaints
- Availability of any kind of online information

## **Government to Citizen (G2C) Initiatives:**

- **Computerisation of Land Records (Department of Land Resources):** A pilot project on computerization of Land Records, which was 100% centrally-sponsored started in 1994-95 onwards.
- **Bhoomi Project in Karnataka** (Online Delivery of Land Records): Bhoomi is a self-sustainable e-Governance project for the computerized delivery of 20 million rural land records to 6.7 million farmers.
- **Gyandoot (Madhya Pradesh):** It is an Intranet-based service delivery with the twin objective of providing relevant information to the rural population and acting as an interface between the district administration and the people.

**Lokvani Project in Uttar Pradesh:** Its objective is to provide a single window, self sustainable-Governance solution with regard to handling of grievances, land record maintenance and providing a mixture of essential services.

•**Project FRIENDS in Kerala:** FRIENDS (Fast, Reliable, Instant, Efficient Network for the Disbursement of Services) is a Single Window Facility providing citizens the means to pay taxes and other financial dues to the State Government.

•**MyGov:** It aims to establish a link between Government and Citizens towards meeting the goal of good governance. MyGov encourages citizens as well as people abroad to participate in various activities i.e. 'Do', 'Discuss', 'Poll', 'Talk', 'Blog', etc.

•**Digital Locker System:** It serves as a platform to enable citizens to securely store and share their documents with service providers who can directly access them electronically.

# Government to Government (G2G)

**Khajane Project in Karnataka:** The project has resulted in the computerization of the entire treasury related activities of the State Government and the system has the ability to track every activity right from the approval of the State budget to the point of rendering accounts to the government.

Plus IAS

## Government to Businessmen (G2B)

Through this model, bond between private sector and government strengthens. They share information through this model like:

- Collection of taxes
- Rejection and approval of patent
- Payment of all kind of bills and penalty
- Sharing of all kind of information, rules and data

## **e-Procurement Project in Andhra Pradesh and Gujarat:**

To reduce the time and cost of doing business, to realize better value for money spent through increased competition and to standardize procurement processes across government departments, this project was started.

• **SWIFT initiative:** As a part of the “Ease of Doing Business” initiatives, the Central Board of Excise & Customs, has taken up implementation of the **Single Window Project** to facilitate the Trading Across Borders in India. The Single Window Interface for Trade (SWIFT), would reduce interface with Governmental agencies, dwell time and the cost of doing business.

## Government to Employees (G2E)

This model increases the transparency between government and its employees and thus

strengthens their relationship. Information that can be shared by this model:

- All kind of data submission (attendance record, employee record etc.) from various

government offices

- Employee can file complaints and dissatisfaction
- Rules & regulation and information for employees can be shared
- Employees can check their payment and working record

# Digital connectivity

According to the Internet Trends 2017 report, only 27 percent of India's population (355 million users) uses the internet.

## **Current situation**

1. The Digital India scheme launched in 2015 brought the topic of digitization to the forefront of public discourse.

2. In 2011, the scheme for the creation of a National Optical Fibre Network (NOFN) was initiated to connect all the GPs of the country with high speed internet. The last mile connectivity is to be provided at all GPs in the country, funded by the Universal Service Obligation Fund (USOF).

3. The National Information Infrastructure (NII) will ensure the integration of the networks and cloud infrastructure to provide high speed connectivity to various government departments up to the panchayat level. The components of NII include networks such as the State Wide Area Network (SWAN), National Knowledge Network (NKN), BharatNet, Government User Network (GUN) and the MeghRaj Cloud.

4. The government also launched the Public Internet Access Programme to make 2,50,000 common service centres (CSCs) operational at the gram panchayat level to deliver government services online.

## **National e-Governance plan**

The objective of the plan is to make all Government services accessible to the common man in his locality through common service delivery outlets and ensure efficiency, transparency and reliability of such services at affordable costs to realise the basic needs of the common man. The plan consists of 27 Mission Mode Projects (MMPs).

Plus IAS

## Challenges facing MMPs

- Lack of dedicated teams**, inadequate engagement with the key stakeholders and issues in project management due to the sheer scale and diversity of very large projects.
- Lack of inter-departmental coordination**, duplication of infrastructure, inadequate business process reengineering (BPR), delays in obtaining necessary approvals, and exit management for PPP projects.
- Some MMPs pointed out that recognition of electronic records** is still an issue despite the legal mandate provided by the IT Act for the same. In some cases, BPR needed legal enactments to be implemented.
- Delays** in release of funds to the states and their utilisation is a major challenge in making projects go live in those states.

There is general lack of awareness regarding benefits of e-governance as well

.There is also **lack of trust form the side** of people on e-governance platforms.

.The services are also not provided in the local language, which keeps many illiterates away from such services.

.Lack of penetration of internet in many areas also leads to problems. Inequality between people in the social system in having access to and use of e-government services.

## Solutions

1. The MMPs should **redefine their service delivery** strategy with a renewed focus on outcome orientation rather than the inputs used.
2. There is tremendous scope for exploiting the new and innovative technologies such as cloud computing and mobile platform for making rollout of services faster and more resource efficient.
3. Use of local languages in applications can facilitate easy access to them for the people.
4. Ensuring inter-departmental coordination and coordination among the central ministries and state government departments are sinequa-

Plus IAS

5. The importance of dedicated project teams cannot be overemphasized. Disseminating proper information and empowering the key stakeholders can go a long way in ensuring the success and sustainability of the projects.

Plutus IAS

## Mobile governance

.M-Governance allows for the use of mobile wireless communication technology within the government administration and tool for delivery of information and services to citizens and business.

.In India, **M-governance can help enhance accountability and transparency as the penetration rate is ever increasing.** Mobile phones can reach areas where no other ICT infrastructure can reach. Also, it has become an integral part of people's lives and therefore adoption is easier and facilitates real time interaction.

## Uses of Mobile governance

**.Agriculture:** Farmers may receive alerts and advices through SMS based applications. These applications also help them learn about marketing prices without having to physically visit the markets. For instance, mobile devices are used to disseminate IMD's weather information, Kisan call centre's agriculture related queries.

**.Health care:** SMS based applications for information data sharing, expert advice, registration for public health service, appointment alerts and notifications can be done.

**.Financial services:** Mobile banking, financial transactions information retrieval etc may be done through mobile governance. All the public and private sector banks in India are providing different services through mobile phones.

4. Transportation: Applications for updates, m-ticketing, etc.

## Challenges

- .Cost:** M-governance is likely to be an additional channel for service delivery which will create additional costs.
- .Low levels of literacy:** Most mobile phones and applications have text driven interface making it near impossible for users to obtain, read and get any information provided by the Government.
- .Lack of knowledge of English:** As most mobile device applications are developed using English language, it tends to act as a hindrance in usage.
- .Security:** If m-Governance is to include m-payment system or other transactional public services then it must have good security and must be trusted.
- .Data overload:** Mobile devices increase the pressures of a world in which

## **E-governance in India is focussed on 'e'**

- 1. National judicial data grid (NJDG) was started to give litigants and others the consolidated figures of pending cases in the country's district Judiciary. But it has not led to reduction in pendency of cases.
- 2. e-NAM was launched by government. eNAM is an online interconnectivity of mandis to enable farmers to get better price of their produce. Situation at the grass root level is different. Inter connectivity will be possible when the transport and storage system will be efficient.
- 3. RTI can be accessed online, but under staff manpower leads to delays.
- 4. National land record modernisation programme has not resulted in reduction in land disputes due to absence of land title law.
- 5. Depot online system of state run FCI has been launched to bring transparency and minimize storage losses of food grains but these changes requires strong

.We need to understand that technology can only help in providing faster access but is not panacea to structural problems. For example, in the absence of judicial reforms, periodic updation of citizen charter, administrative reforms in terms of business process restructuring, the e-governance will merely remain e without governance.

7. It has been found that wherever enabling infrastructure has been provided e-governance has shown good results. For example, Telangana government right to clearance act, Shram Suvidha portal (labour reforms), PRAGATI platform (cooperative federalism), etc.

**Conclusion** :Efforts for digital literacy, bridging digital divide need to be undertaken actively so that e-governance is more inclusive and participative. By plugging in the loopholes with approach to bring in change in lives of people, e- governance assures us a promising future.

## Some of the government initiatives to promote digital literacy

- .National Digital Literacy Mission (**NDLM**) has been initiated with the vision to empower at least one person per household with crucial digital literacy skills by 2020.
- .The Pradhan Mantri Gramin Digital Saksharta Abhiyan (PMGDISHA) being initiated under Digital India Programme would cover 6 crore households in rural areas to make them digitally literate.
- .Vittiya Sakshartha Abhiyan (VISAKA), the purpose of which is to actively engage the students of Higher Education Institutions to encourage and motivate all payers and payees to use a digitally enabled cashless economic system for transfer of funds.

As print medium begins to die out, the ability to comprehend information found online becomes more and more important especially in the financial domain. India being a major economy must reap benefits of digital age for which digital literacy is inevitable.

## Real-time Governance of AP

- .The main mission of Real-Time Governance (RTG) Centre is to handle all the important events and natural calamities on real-time basis, leveraging e-governance technology and electronic communication. Real-time Governance (RTG) Centre helps the government monitor all the schemes, keep a vigilance on people and demand accountability from officials.
- .The RTGS consists of a state centre and 13 district data centres. The core team operates from RTG state centre with data input from people hub - which hosts the data of all the households along with government benefits they receive, which, in turn, is linked with various government departments and call centre to serve as grievance redressal platform and surveillance and communication wing.

# Areas of operation in RTG

- .Grievance management (through a call centre called **Parishakara Vedika**).
- .Beneficiary feedback (on service delivery of social welfare benefits, pensions, etc).
- .Data mining and analytics (performance measurement system at state level focusing on programme outcomes and dispensing feedback to officials at multiple administrative levels).
- .Coordination and crowdsourcing (application of Big Data for designing welfare projects in the state).

# Recommendations of 2nd ARC on e-governance

**Building a Congenial Environment:** Building a congenial environment is a sine-qua-non for successful implementation of e-Governance initiatives. This should be achieved by:

- Creating and displaying a will to change within the government
- Providing political support at the highest level
- Incentivising e-Governance
- Creating awareness in the public with a view to generating a demand for change.

**Business Process Re-engineering:** Governmental forms, processes and structures should be redesigned to make them adaptable to e-Governance, backed by procedural, institutional and legal changes.

**Capacity Building and Creating Awareness:** Capacity building efforts must attend to both the organizational capacity building as also the professional and skills up gradation of individuals associated with the implementation of e-Governance projects.

**Developing Technological Solutions:** Develop a national e-Governance 'enterprise architecture' framework as has been done in some countries.

**Monitoring and Evaluation:** Monitoring of e-Governance projects should be done by the implementing organization during implementation.

**Public-Private Partnership (PPP):** Several components of e-Governance projects lend themselves to the Public-Private Partnership (PPP) mode. In all such cases (PPP) should be the preferred mode. The private partner should be selected through a transparent process. The roles and responsibilities of government as well as the private partner should be clearly laid down in the initial stage itself, leaving no room for any

**The Common Support Infrastructure:** The State Data Centres (SDCs) should be maintained by Government agencies such as NIC as it involves handling of sovereign data. Further, all data centres at the State level should be subsumed in the SDCs.

**Mission Mode Project on Computerisation of Land Records:** Surveys and measurements need to be carried out in a mission mode utilizing modern technology to arrive at a correct picture of land holdings, land parcels and rectification of outdated maps. This needs to be accompanied by an analysis of the existing mechanism for updating land records – which varies from State to State – to be supplanted by an improved and strengthened mechanism which ensures that all future transactions in titles are immediately reflected in the land records.

**Legal Framework for e-Governance:** A clear road map with a set of milestones should be outlined by Government of India with the ultimate objective of transforming the citizen government interaction at all levels to the e-Governance mode by 2020.

**Knowledge Management:** Union and State Governments should take proactive measures for establishing Knowledge Management systems as a pivotal step for administrative reforms in general and e-Governance in particular.

E-Governance is not only about utilization of the power of new technology, but also much about critical importance of the 'use value' of information Explain.

Plutus IAS

# Role of Civil Services

Plutus IAS



# Provisions with Respect to Civil Services in the Constitution

Part XIV of the constitution deals with provisions of civil services.

## **Article 309:** Powers of Parliament and state legislatures

It empowers the Parliament and the State legislature regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the Union or of any State respectively.

## **Article 310: Doctrine of Pleasure**

Every person of Defence service, Civil Service and All India Service holding any post connected with the above services holds office during the pleasure of the President or Governor of the State.

## **Article 311: Dismissal, removal or reduction in rank**

- **No removal by subordinate authority:** No member of a civil service holding a civil post under the Union or State shall be dismissed or removed by an authority subordinate to that by which he was appointed.
- **Inquiry and informed of the charges:** No such person as aforesaid shall be dismissed or removed or reduced in rank except **after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard** in respect of those charges.

## **Article 312: Creation of new All India service**

If Rajya sabha passes a resolution supported by not less than two thirds of the members present and voting, Parliament may by law provide for the creation of one or more All India Service including an all-India judicial service common to the Union and the States, and regulate the recruitment, and the conditions of service of persons appointed, to any such service.

## **Article 315 to 322: Deals with Public Service**

**commissions. Article 323A: Administrative Tribunals**

Parliament may, by law, provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services.

# Substantive Role of Civil Servants

- Basis of government
- An instrument for implementing Laws and Policies
- Participation in policy formulation
- Provides continuity
- Developing a sense of nationhood
- Facilitating democracy
- Calamities and crisis
- Administrative adjudication

# Role in socio- economic development

- To develop agriculture, civil servants have to properly manage community resources such as land, water resources, forests, wetlands and wasteland development.
- To facilitate industrial development, infrastructural facilities such as roads, electricity, communications, market centres etc. have to be provided. In these countries, the civil service manages government owned business, industrial enterprises and public utility services
- Setting right developmental goals and priorities for agriculture, industry, education, health, communications etc.
- Formulation and implementation of strategies and programmes for the development and modernisation of the nation.
- Mobilisation of natural human and financial resources and

- Development of human resources to secure the necessary managerial skills and technical competence to carry out the developmental tasks.
- Creation of new administrative organisations and improving the capacity of the existing ones for the developmental purposes.
- Securing the support of the people for developmental activities by involving them in the process of development by creating appropriate attitude towards the socioeconomic changes that are taking place in society.
- Promotion of clean and green environment and protection of human rights

# Bureaucracy and Democracy

- Evolution of bureaucracy since independence
  - Nation Building
  - Democratization of Bureaucracy
  - Committed Bureaucracy
  - License permit Raj
  - Globalization

# Issues

- Ministers or Bureaucrats
- Politicization of bureaucracy
- Politicians – bureaucrats – Businessman nexus
- Attitude of the bureaucracy

Plus IAS

Article 311 deals with dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State.

### **Case for deletion of Article 311:**

- .Complicated procedures have arisen out of this article which have shielded the guilty. This also leads to inordinate delays in prosecution of corrupt officers. Procedure has become more important than the substance.
- .Deleting the article will act as a deterrent for dishonest officers and hence has the potential to reduce corruption.
- .Such a provision is not available in any of the democratic countries including the UK.

.With judicial review now available, the protection to Government employees is formidable even outside Article 311.

.This article was drafted at a time when it was necessary to prescribe certain guarantees to the bureaucracy. Government is no longer the only significant source of employment and the role of Government as a model employer cannot override public good.

.The main intention was clearly to embolden senior civil servants to render impartial and frank advice to the political executive. But the compulsions of equal treatment of all public servants and made such a protection applicable to everybody and this hampered efficiency and work culture.

## Case for retaining Article 311

.It is argued that the safeguards under Article 311 are focused and that the framers of the Constitution were mindful of the rare eventualities in which even such minimal safeguards would not be necessary.

.It checks arbitrary action on executive part. Political leaders most of the time exploit the power in their hands to punish those public servants who do not act as per their whims and fancies and dare to be upright.

.It upholds the principle of natural justice by giving a reasonable opportunity of being heard to the civil servant in respect of charges.

.This article provides protection to honest and ethical officers. It helps them to work without undue political interference and fear of political backlashes.

.Judicial review is an integral part of our Constitution and a substantial portion of the appellate work of the Supreme Court concerns Article 311.

## Way forward

.It has accordingly become necessary to revisit the issue of constitutional safeguards under Article 311 and to amend it to ensure that the honest and efficient officials are given the requisite protection but the dishonest are not allowed prospering in office.

.A provision should be added through amendment that prior sanction should not be necessary for prosecuting a public servant who has been trapped red-handed or found in possession of disproportionate assets. In the long run it is desirable that provision of ministerial responsibility should also be added as in UK.

## Arguments for all-India services

- 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 because they attract the best talent in the country due to the wide field of recruitment, high remuneration, status and prestige.
- 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.
- Cooperative federalism:** They facilitate liaison, cooperation, coordination and joint action on the issues and problems of common interest, between the Centre and the states.

**8. 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.

**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:** Permanent civil service has provided continuity and stability during the transfer of power from one elected government to the other. This has contributed to the maturing of our democracy.

**Political neutrality:** Many important institutions which are politically neutral have evolved.

## Criticism against all-India services

**.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.

**.Against federation:** These services are against the federal system of government provided by the Constitution. They restrict the autonomy and patronage of the states. Rajamannar committee recommended for the abolition of IAS and IPS.

**.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.

**.Lacks specialisation:** It is said that the IAS officers are 'Jack of all trades but master of none'. This point is also recognised by the first ARC which recommended that a functional field should be carved out for the IAS.

**.Unequal representation:** The states 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.

## **Weaknesses of the existing system**

1. Routine functions: The Ministries are often unable to focus on their policy analysis and policy making functions due to the undue emphasis on routine work. This leads to national priorities not receiving due attention.

2. Procedure orientation: Procedures and not outcomes are important.

3. Separation: Lack of separation of policy making, implementation and regulatory functions.

.Ministries: The creation of a large number of ministries and departments has led to illogical division of work and lack of an integrated approach even on closely related subjects.

Ministries often carve out exclusive turfs and tend to work in isolated silos.

.Hierarchy with too many levels: It leads to examination of issues at many levels causing delays, corruption and lack of accountability.

6. Risk avoidance and absence of coordination.

## Structural changes needed in bureaucracy

- . Separation of policy making from implementation. Ministries should concentrate on policy making while delegating the implementation to specialized agencies.
- . Government should only focus on its core areas. Decentralisation based on the principle of subsidiarity.
- . Increasing coordination of functions and subjects. Subjects which are closely interrelated should be dealt with together.
- . Reducing hierarchies will improve efficiency and accountability. Flatter organisational structure for enhanced team work.
- . It would also be unrealistic to expect for curtailment in the size of the Council of Ministers in an era of coalition politics. Instead, a more pragmatic approach would be to retain the existing size but increase the level of coordination among the departments.

## Transfer policy

- .Remove arbitrariness: Each department must formulate and publicise comprehensive transfer policy.
- .Continuity: Term system must be put in place with maximum and minimum years so that no punishment transfer would happen and nexus will not build between them due to long term.
- .Premature transfer: Strong compelling reasons must be provided for premature transfers. IAS Ashok Khemka faced 45 transfers in 23 years.
- 4. Appeal: Officers must be provided a chance to appeal against transfer.

## **Ideal minister and civil servant relationship**

- .Both should uphold the constitutional provisions and parliamentary laws while discharging their respective duties.
- .A civil servant should faithfully execute all policies and decisions of the minister even when they are against the advice tendered by him.
- .A civil servant enjoys full freedom to express himself frankly without fear in tendering advice to the minister.
- .A civil servant should observe the principles of neutrality, impartiality and anonymity.

## **Deterioration of relationship between both**

- .The ministers generally do not encourage free, frank and impartial advice from the civil servants. This hinders mutual understanding and cooperation.
- .The emergence of personal affiliations between the minister and the civil servant leading to politicisation of the civil service.
- .Frequent use of transfer, suspension and disciplinary powers by ministers against civil servants who aren't pliable.
- .Factionalism, group rivalry and casteism among the ministers and the civil servants. 5. Lack of proper understanding with regard to their respective roles. Ministers usually interfere with day-to-day administration while the civil servants do not bring important matters to the notice of ministers.

## **Advantages of a Permanent civil service**

- .The spoils system has the propensity to degenerate into a system of patronage, nepotism and corruption.
- .Public policy is a complex exercise requiring in depth knowledge and expertise in public affairs. A permanent civil service develops expertise as well as institutional memory for effective policy making.
- .A permanent and impartial civil service is more likely to assess the long term social payoffs of any policy.
- .A permanent civil service helps to ensure uniformity in public administration and also acts as a unifying force particularly in vast and culturally diverse nations.

## Why reforms are difficult in civil services

- .Constitutional protection under Article 311, which shields senior bureaucrats from punishments for corrupt actions. Section 19 of Prevention of Corruption Act also provides similar protection.
- .Lack of proper legislation governing civil servants, despite article 309 providing for the same. Civil Services Bill 2009 was not made into an act.
- .Presence of a strong civil servant lobby that resists change. Politician- bureaucrat nexus plays an important role in furtherance of status quo, to the detriment of administration.

Plutus IAS

.Absence of a fitness board and intense mid-service reviews, to weed out unproductive bureaucrats. At present, the rules only allow for performance reviews after 25 years in service or 50 years of age.

.Automatic promotions and lack of merit based promotions, which disincentivise proactive work. Lack of private sector competition due to lack of lateral entry.

.Increasing politician-bureaucratic nexus. Lack of political will to implement most of the reforms as identified by several committees from time to time.

## Challenges in civil services

- Accountability 1. Civil servants in India are accountable to the ministers, but in practice, the accountability is vague and of a generalised nature. The accountability relationship is left to the incumbent minister to interpret it in a manner that is most convenient to him/her.
2. This leads to either collusive relationship or to discord, both of which can adversely affect the administration. Thus there is an urgent need to codify this relationship preferably by enacting a law. The life long job security further leads to distorted incentive structure.
3. Disciplinary action against non performing officers is a rarity and is a long process.
4. While the performance of government organisations and their subunits are periodically subjected to in depth reviews, seldom are efforts made to link the organisational performance to the performance of an individual civil servant.

## Transfers and postings

- .Arbitrary transfers and postings of civil servants by the ministers concern implementation of developmental programmes. Such transfers are made on the basis of caste, religion, money, favouritism. This leads to splitting up of bureaucracy and its demoralisation.
- .Transfer and tenure policies must be developed in an independent manner and any premature transfer should be based on publicly disclosed sound administrative grounds which should be spelt out in the transfer order itself.
- .An officer should be given a fixed tenure of at least three years and given annual performance targets.
- .Civil Services authorities should be made statutory and autonomous. If the government does not agree with the recommendations of the authority, he will have to record his reasons in writing.
- .An officer transferred before his normal tenure can agitate the matter before an

## **Ministerial interference in operations**

1. Ministers issue instructions, formal or informal, to influence the decisions of the bureaucracy often intruding in their domains. It has also been observed that officers, instead of taking decisions on their own, look up to the ministers for informal instructions.

2. Several states have created an institution of District Incharge Minister to review the development activities in the district who routinely exceed their mandate intrude in the officer's domain. These practices are unhealthy.

## **Appointments to the Civil Services**

.While the UPSC enjoys an untarnished reputation for having developed a fair and transparent recruitment system, the same cannot be said for most of the SPSCs.

.In addition, large number of recruitments is done by departments under their control of the government directly. It is essential to lay down certain norms for such recruitments.

### **Poor incentives for advancement**

.Bias toward seniority in filling key posts reduces the incentive for performing officers to swiftly obtain promotions.

2. Even poorly performing officers are given promotion.

### **Lack of specialisation**

1. Some experts have questioned whether the IAS can continue to exist as a generalist service in a world that is increasingly complex and where domain knowledge has become more valuable

## Human capital

- .The government is finding it hard to lure young talent away from increasingly attractive private sector opportunities.
- .The combination of rising average age and lack of advanced academic qualifications implies that many candidates spend a majority of their twenties preparing for and taking entrance examinations for the elite civil services.

## Attitudinal issues

1. Civil servants believe that their authority is derived not from the mandate of the people but from an immutable corpus of rules that it has prescribed for itself. It needs to give due regards to the aspirations of the people and rule of law.
- .With reforms, the role of private sector and civil society has increased immensely. So the civil servants need to view them as partners instead of asserting their own pre-eminence.

## Result orientation

.Civil Service in India is more concerned with the internal processes than with results. There is too much focus on amount of inputs used whether the full budget is used or not. As a result outcomes get neglected and civil servants are not held accountable for the results.

.The structures are based on hierarchies and there are a large number of veto points.

.To compound it, the size and the number of ministries and departments have proliferated and diminished the capacities of the individual civil servants to fulfill their responsibilities.

.Achievement of results would require substantial devolution of managerial authority to the implementing levels. This would require giving civil servants in the implementing agencies greater flexibility and incentives to achieve results as well as relaxing the existing central controls.

.The counterpart of devolution should be more accountability. This can be achieved through agreements with the minister specifying the performance targets. These performance agreements should be put in the public domain. They should have clearly spelt out objective and measurable goals.

## **Resistance to change**

- .The perception is that they resist change as they are wedded to their privileges and prospects. Thus they have prevented us from realising the full benefits of the 73rd and 74th Amendments since it clashes with their own authority.
- .They also resist simplification of procedures which is a prerequisite for introduction of e-governance since it would undermine their importance.

## **Exit mechanisms**

- .At present, rarely does a civil servant get dismissed from service or is punished on grounds of incompetence. It is necessary that all civil servants undergo a rigorous assessment of performance, at regular intervals, and compulsory retirement.
- .New appointments should be made only for a fixed period, say 20 years, after which if the performance is not satisfactory, he can be removed. Such provisions are there in armed forces.

# Reforms to be taken

- .Reduce the number of civil services: The existing 60 plus separate civil services at the central and state level needs to be reduced through rationalization and harmonization of services.
- .Encourage lateral entry: Inducting specialists at higher levels of government will provide much needed expertise.
- .Nurture specialisation: The key to reform in the civil services is encouraging officers to cultivate specialisations based on their education and skills early on in their careers.  
Hota committee recommendations
- .Incentivise: Review existing schemes and introduce new schemes of incentives for extraordinary performance.

5. Efforts need to be made to outsource service delivery to reduce dependence on the administrative machinery.

6. Introduce mid-career training modules for all services.

7. Compulsory retirement for underperforming officers.

8. Citizen-centric framework.

. Institutionalise system for effective monitoring of suo moto disclosures.

Conclusion: Effective, efficient and development oriented civil services are necessary to achieve goals envisaged in New India 2022.

Plus IAS

# Lateral entry

1. DoPT has invited applications for 4 joint secretary level posts in the departments of economic affairs, revenue, commerce and highways and others. Lateral Entry to higher positions in bureaucracy is not new in India. Ex: Raghuram Rajan as RBI head, Montek Singh Ahluwalia as PC chairman, etc.

## Benefits of lateral entry

1. The system of domain where a civil servant specialises after 14 years of service in any one field has been recommended by 2nd ARC and Hota committee.
2. In an era when policymaking has become increasingly specialized, there is a need for officials who are immersed in a particular area.
3. Bring in fresh ideas and augment manpower. The lateral entry exercise is aimed at bringing in fresh ideas and new approaches to governance and also to augment manpower.
4. They provide an opportunity to attract and retain the best from across the world that have a sector perspective and boost a ministry's capabilities.
5. Resolve issue of under staffing at senior officer level. For instance, the Foreign Ministry has fewer diplomats to service India's global ambitions than Singapore has. This is true for other departments too where senior officials end up dealing with policy and operational matters.
6. Lateral hiring is common practice in other democracies such as the UK, US and Canada.

## Challenges in lateral entry

1. Nepotism and corruption may creep in during selection process.
2. The civil services administrative framework has integrated the diverse country into a coherent whole. Therefore, we should not tamper with the framework.
3. The width and depth of field experience which the civil services provide is simply not available with outside talent.
4. The best talent can be attracted in civil services only if there is reasonable assurance of reaching top level managerial positions.
5. Transparency and accountability in selection panel should be ensured. Civil servants should be allowed to compete for the post with lateral entrants. Training the civil servant to help them acquire specific skill to make them competent and motivated.
4. Though, lateral entry addresses the issue of lack of specialization in civil services, the structural issues regarding bureaucratic rigidities and red tape, lack of transparency in working of bureaucracy, political interference, etc. remains. Lateral entry needs to be

## Lateral exit

- .This is about showing the door to the inefficient civil servants or to those who don't want to work. This may be temporary or permanent.
- .Civil Servant may become incompetent with time. So, removing such officers can reduce inefficiency and can also leads to judicious usage of money. Training to civil servants in private sector to get domain specialisation.
- .By this they may inculcate good practices and work culture of the private sector, which will be later helpful. Seeking for peace and rest after exhaustive stay in service to get energised and continue later. Personal commitments to family, intellectual development etc may also need lateral exit.
- .But challenges do exist in the form of politics forcing civil servant to exit, loss of information with them and demoralisation of civil service cadre.

# District administration

## Restrict the role of collector

- .With the establishment of PRIs and municipal bodies it is imperative that the devolution of decision making to local levels should be carried out in true spirit. The collector should be ultimately made responsible to the local bodies.
- .Strong traditions linked with this institution and its recognition in the public mind as the prime mover of governance at the district level would tend to impede growth of other authorities.
- .The office currently has widespread functions without well defined roles. This results in lack of clarity and diffusion of the Collector's responsibilities.
- .There is no need to assign any role to the Collector in respect of activities which are transferred to the PRIs.

**Preserving the role of collector:** It is equally imperative that the unique administrative experience, expertise and credibility of the office of the District Collector built up over a period of two hundred years is properly utilised.

PLUS IAS

## Principle of Subsidiarity

It means that what can best be done at the lower levels of Government should not be centralised at higher levels. The citizen must exercise as much authority as practicable, and delegate upward the rest of the functions which require economies of scale and can be done more efficiently at a higher level only.

## Advantages

1. Local decision making improves efficiency, promotes self reliance, encourages competition and nurtures innovation.
2. There will also be greater ownership by the local communities.
3. Democracy is based on the fundamental assumptions that citizen is the ultimate sovereign and has the capacity to decide what is in his best interest. Subsidiarity is the concrete expression of this assumption.
4. Once decision-making is delegated lower, people can better appreciate that hard choices need to be made.

# ARC recommendations on corruption

1. Second ARC report accepts that there is a widespread level of corruption existing in governance of the country owing to various socio-political, economic and cultural factors. Apart from the existing anti-corruption institutions at the central level such as CVC, CBI, it recommends various other ways to tackle the menace of corruption at different levels.``

## ARC recommendations

1. Passing of Lokpal and Lokayukta bill in order to deal with cases of corruption on members of parliament and state legislatures.
2. Regulation on use of money and muscle power in elections and providing for partial funding of election by state in kind.
3. Strengthening of anti-defection law and giving primacy to the view of election commission on such matters.
4. Developing a model code of conduct for Ministers and civil servants.
5. Repealing article 311 in order to end the practice of safeguarding corrupt civil servants.
6. Making civil services more empathetic and responsive to the demands of citizens by building citizen's charter and ensuring time bound delivery of goods and services.
7. Use of technology to bring more transparency in government through various e-governance initiatives.
8. Passing whistle blowers protection bill in order to provide anonymity and security to

## Views of various expert committees/commissions

- **National Commission to Review the Working of the Constitution (2000)** made the observation that “arbitrary and questionable methods of appointments, promotions and transfers of officers by political superiors led to corrosion of the moral basis of its independence.”
- **Surinder Nath Committee (2003)** - The Committee recommended that Parliament may enact a Civil Services Act setting up a Civil Services Board for the Union Government which will perform functions presently being done by the Central Board presided over by the Cabinet Secretary.
- **P C Hota committee (2004)** - It also recommended the establishment of civil service boards/establishment boards comprising senior civil servants. It urged that a Civil Services Act be enacted to make these boards at the Centre and states as statutory bodies. In its proposed set-up at the Centre, an appointments committee of the cabinet would be the final authority on the transfer of administrative personnel who came under the central staffing scheme.

The ways suggested by ARC report has many noble features but it needs strong political will and culture to implement these in actual practice.

**Conclusion:** The culture of steel frame, still holds very strong in the mind of people and hence repels people away from participating in better governance. Education and extensive involvement of people in governance can go a long way in ensuring transparency and non partisanship.

Has the Cadre based Civil Services Organisation been the cause of slow change in India?

Critically examine. 2014

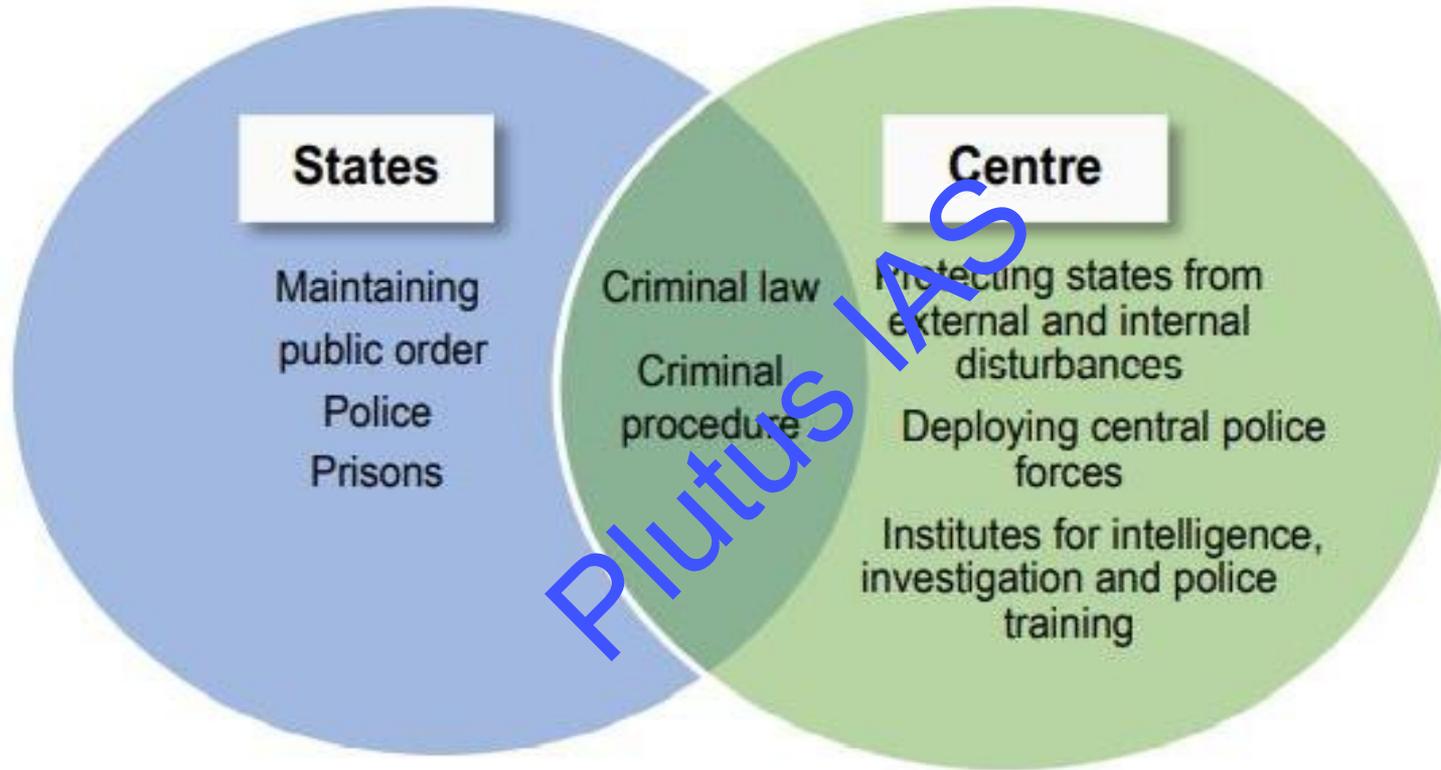
“Traditional bureaucratic structure and culture have hampered the process of socio-economic development in India.” Comment. 2016

- **Explain the role of civil services in a democracy like India. Why is it argued that the civil services need reforms to keep pace with current realities?**
- **Discuss the changes that have taken place in the role of the state, and in particular the bureaucracy, in the post-liberalization era in India.**

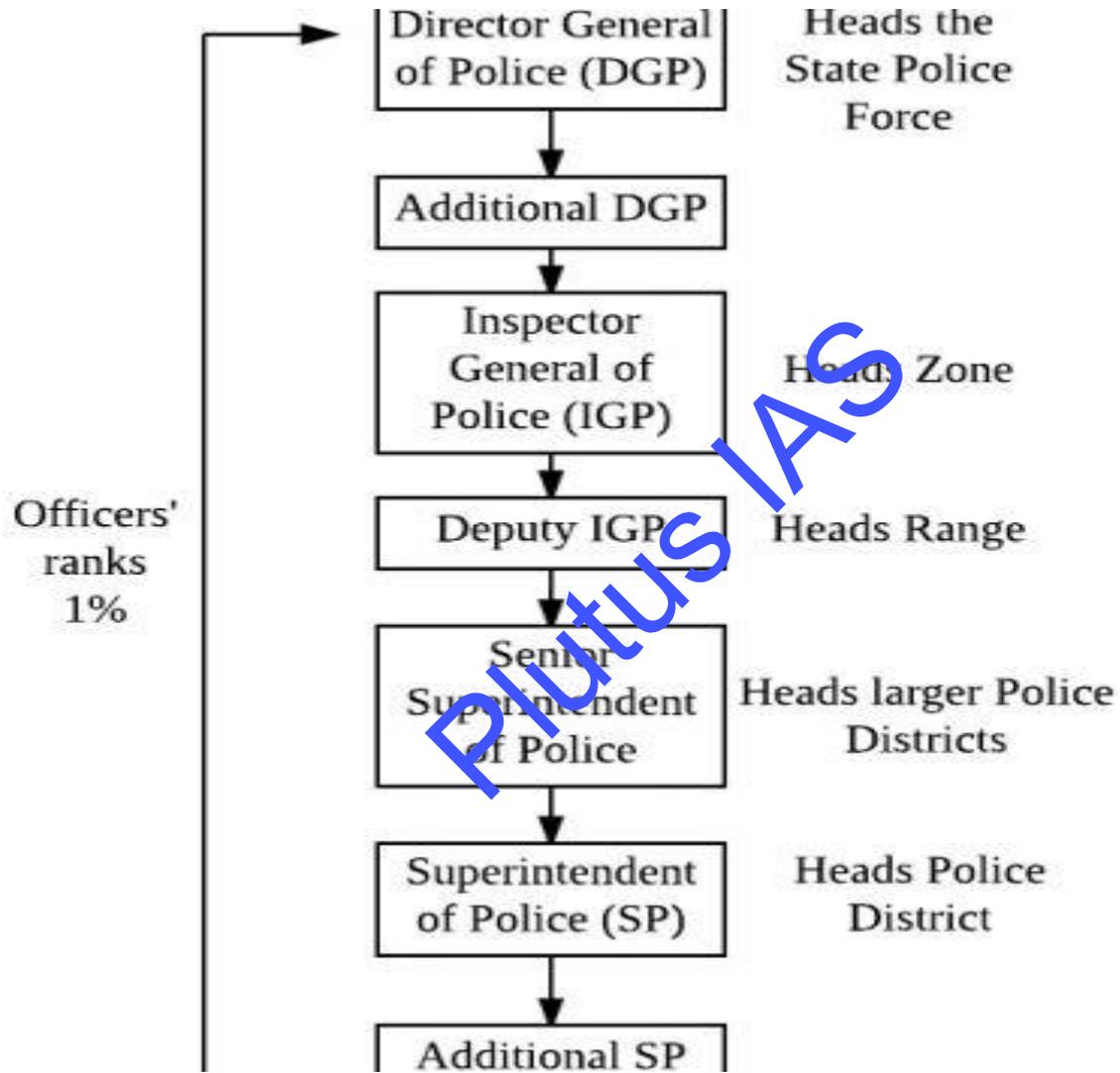
# Issues in Police Administration

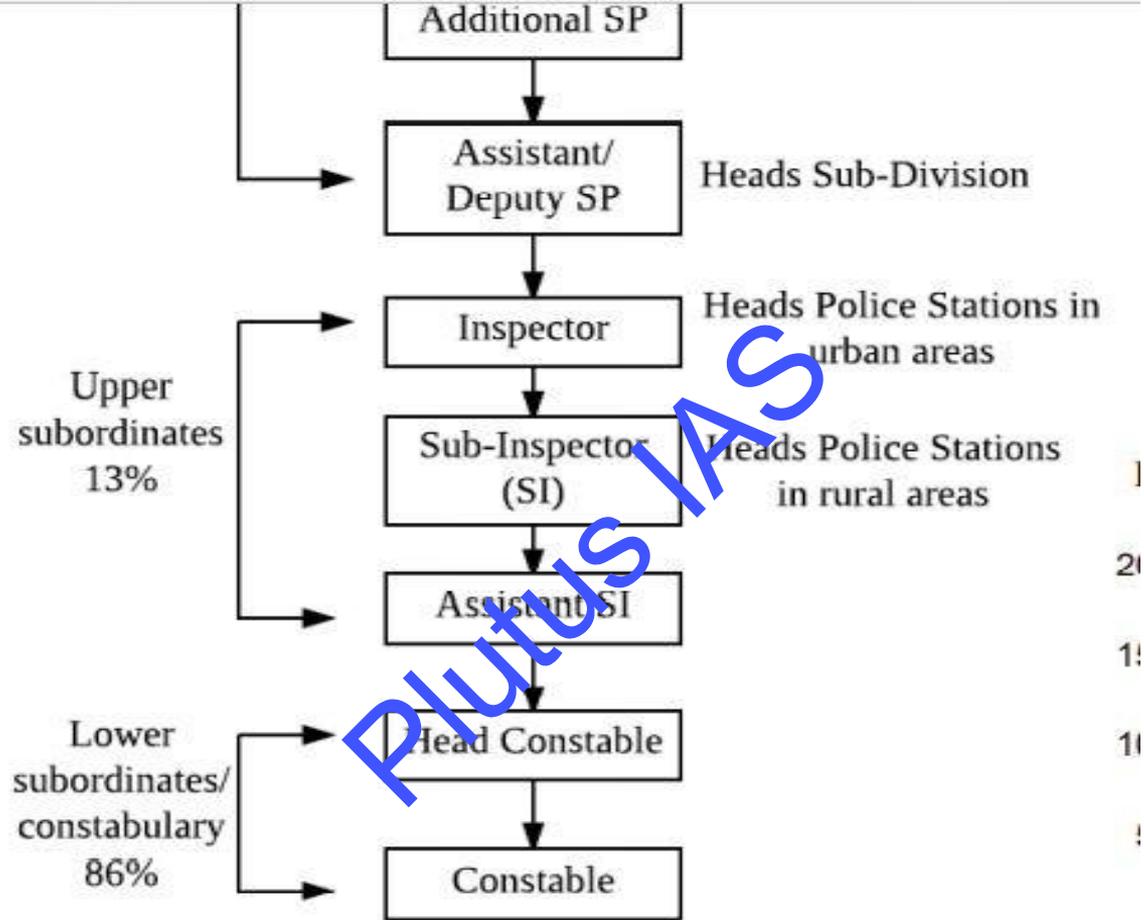
Plutus IAS

**Figure 1: Responsibilities of centre and states with regard to police**



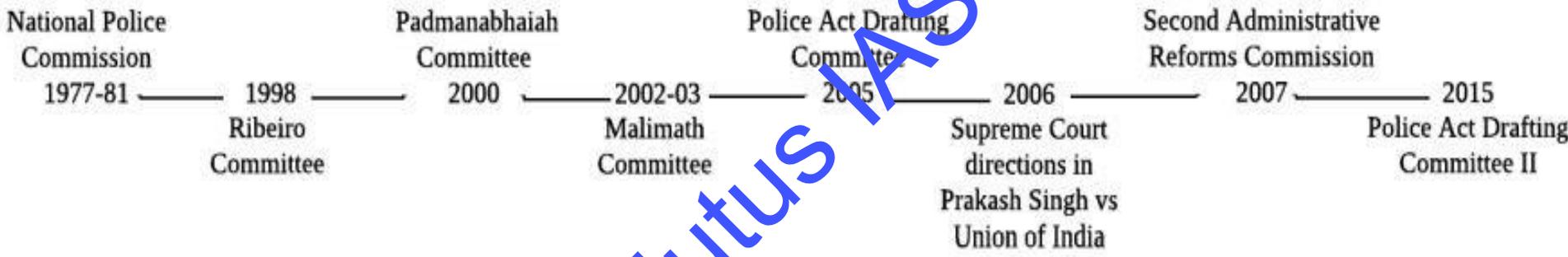
Sources: Schedule 7 and Article 355, Constitution of India, 1950; PRS.





Sources: Bureau of Police Research and Development; Commonwealth Human Rights Initiative; PRS.

**Figure 6: Expert bodies that have examined police reforms**



Source: PRS.

Plutus IAS

# Problems with the Police System

The problems associated with the system and functioning of the police in India are manifold. Some of the important ones are discussed below.

- **Politician – Police – Criminal Nexus**

- Under the current system, the police forces come under the executive's control.
- The state police forces come under the state government while the central police forces (CRPF, ITBP, SSB, BSF, Assam Rifles, CISF and NSG) come under the Union Home Ministry.
- Over the years, the executive has been able to abuse the power it has and used the police forces for personal or political interests.
- This results in a biased performance of duties by the police personnel.
- This was noted in the Second ARC Report.
- Another related phenomenon has been the criminalisation of politics.

## Overburdened Police Force

- Police forces in India (both central and state) are short-staffed.
- As of January 2016, the state forces had 24% vacancies (5.5 lakh) and the central forces had 7% vacancies.
- India has 137 police personnel per lakh of the population while the sanctioned strength is 181. And, this is woefully inadequate when compared to the United Nations recommended standard of 222 personnel per lakh people.
- This results in unsatisfactory working conditions for the personnel with long working hours and an enormous workload.
- Also, there is a lack of adequate representation of women in the police force. They form under 7% of the force which is way short when the number of women-related crimes is concerned.
- All this affects adversely the efficiency and effectiveness of the force.

## Police Accountability

- There are many grievances against the police such as unlawful arrests, unlawful searches, torture while in custody and even custodial rapes and deaths.
- Recently, cases of custodial torture and deaths (like the case of a father-son duo in Thoothukudi) and 'encounter' killings had led to serious question marks on the integrity of the police force.
- The police are accused of abusing their power and suppressing the very people they are supposed to protect.
- There are also allegations of corruption against the police personnel.
- There is a need to fix police accountability internally and also through an external independent oversight system.

## Inadequate Resources

- The police forces face a severe lack of resources when seen in the light of the enormous and varied responsibilities they undertake.
- CAG audits have reported a shortage of weapons with several state police forces.
- Police vehicles are also in short supply.
- The infrastructure has also to be modernised to help the police personnel solve crimes faster, among other things.

## Constabulary related issues

- The constables constitute 86% of the police forces.
- A police constable's duties are not just routine tasks, but involve some amount of judgement and decision making.
- However, the current system of recruitment is not enough to hire people capable of the tasks prescribed.
- There have been suggestions that the current eligibility criteria (of X or XII pass) be modified to suit the requirements.
- Also, a police constable is generally promoted only once in his career and mostly retire as head constable.
- This could result in a lack of motivation on the job.

## Crime Investigation

- Crime investigation requires skills and training, time and resources, and adequate forensic capabilities and infrastructure.
- However, the Law Commission and the Second Administrative Reforms Commission have noted that state police officers often neglect this responsibility because they are understaffed and overburdened with various kinds of tasks.
- Also, they do not have adequate training and expertise to conduct professional investigations.

# Police-Public Relations

- Police personnel, in the course of performing their duties, have to come in contact with the public.
- They also need the support of the public in the discharge of their duties like solving crimes and maintaining law and order.
- There is a trust deficit among the public when it comes to the police who are often seen as corrupt, inefficient and politically partisan.

## National Police Commission (NPC)

The NPC was organised in 1977 with wide terms of reference covering police organisation, role, functions, public relations, etc.

Between 1979 and 1981, the NPC produced eight reports.

### Major recommendations:

- Judicial inquiry for custodial rape, death, hurt, and deaths in case of police firing.
- Political interference in police work had caused gross abuse of power. The NPC suggested a few measures to limit this influence on police work to broad policies and ensuring that police performance is in accordance with the law.
- It recommended measures to make the police more sensitive to the needs and complaints of the marginalised sections of society.
- The NPC has recommended an important amendment to Section 154 Cr.P.C. which would make it incumbent on a police station to register an FIR whether or not the crime has taken place in its jurisdiction and then transfer the FIR to the concerned police station, if necessary.
- Measures to reduce third-degree methods by the police.
- The report recommended the gradual phasing out of all recruitment except at the IPS and the constable level.
- The Police Act of 1861 should be replaced by a new Police Act, which not only changes the system of superintendence and control over the police but also enlarges the role of the police to make it function as an agency which promotes the rule of law in the country and renders impartial service to the community.

## **Ribeiro Committee**

- The committee submitted two reports in 1998 and 1999.
- It endorsed the recommendations of the NPC with certain modifications.

## **Padmanabhaiah Committee**

- The committee submitted its report in 2000 and made over 240 recommendations.
- Out of these, 23 recommendations were not accepted. These related to IPS officers' age of entry, police commissioners system in cities, compulsory retirement to those not empanelled as DIG, etc.

## **Malimath Committee**

- This committee submitted its report in 2003 and was related to the criminal justice system in India.
- Read more on the Malimath Committee in the linked article.

# 2006 Supreme Court Directives on Police Reforms

In 1996, a Public Interest Litigation (PIL) filed by two former director generals of police, Prakash Singh and NK Singh requested the Supreme Court to give directions to the government to implement the police commission recommendations. In 2006, the SC gave seven directives regarding the same.

The 2006 SC directives are:

1. Constitute a state security commission to make sure that the state does not exercise undue influence on the police.
2. The DGP should be appointed a transparent and merit-based process and have a minimum tenure of two years.
3. Other police officers on operational duties should also be given a minimum two-year tenure.
4. The 'law and order' and 'investigation' functions of the police should be separated.
5. A Police Establishment Board should be set up to decide transfers, promotions, postings and other service-related matters of the police.
6. Set up police complaints authorities at the state and district levels to enquire into complaints of the public against police officers of and above the DSP rank for serious misconduct including custodial rape and death.
7. Establish a National Security Commission at the central level for preparing a panel for the selection and placement of Chiefs of the Central Police Organisations with a minimum tenure of 2 years.

**NGOs,**

**ShGs**

**pressure**

**Plutus IAS**

# Voluntary organisations

How are VOs classified

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

Plus IAS

## **Benefits of community participation**

- .The participatory process ensures congruence between objectives and community values and preferences. By rationalising manpower resources utilization, the process reduces project cost.
- .Any change brought about through development is more acceptable to the community if the local people are involved, also, mistakes are more tolerable if these are made by people who have to live with them.
- .Monitoring is better and sustainability of the project is more likely even after the withdrawal of the external agent, be it government or NGO agency.

4. The community learns from its own involvement and from this point of view, participation is a two way learning process in which the administrator and the people become co-learners.

.Active community participation helps rebuild community cohesion and installs a sense of dignity into the community. People gain in confidence and steadily emerge as real actors in the development process.

## **Critics of community participation**

- . Participation has popularity without clarity and is subject to growing craze and a lot of lip service.
- . Serious analysis of local community life reveals differentiation in terms of status, income and power. Community mobilisation cannot correct the basic social imbalances that have their roots in deeper socio-economic layers of the society.

.Conflicts and rivalries are not uncommon even among the poor and underprivileged. So, the romantic vision of frictionless, harmonious community life does not match ground realities.

.External intervention by social workers or political activists has been found necessary almost everywhere to organise the local community and mobilise the local people.

.It has not brought radical changes in the life of poor and the underprivileged through autonomous local action only.

## **Profiling NGOs**

- .It can be noted that a great majority of the NGOs are small and about three fourths of all NGOs are run entirely by volunteers. About 13 percent of the NGOs have between 2 to 5 employees.
- .They also enjoy income tax exemption. Foreign contributions to NGOs are governed by Foreign contribution regulation act (FCRA), 1976.

## **Advantages of NGOs**

- .Non-state actors and institutions keep a watch on the state, protest against its injustices.
- .NGOs supplement the efforts of the state in developmental activities. Ex: Poverty reduction, etc.

## Key governance challenges facing NGOs

- .Some are big and some are very small thus leading to asymmetry of power.
- .Some of the dubious elements have quietly got into the system and in the name of opening such agencies, they have siphoned funds from the exchequer.
- .Only about 10 percent of the over 22 lakh NGOs file their annual income and expenditure statements, revealed by CBI.
- .IB report stated that the working of few NGOs in the name of protests against the government activities have become detrimental to the nation development. It led to loss of 2-3% of country's GDP.

- .It is estimated that only about 1.5 percent of NGOs actually undertake developmental work.
- .Some NGOs are involved in political activism with foreign funds. A large proportion of NGOs have actively taken part in political campaigns, including working as proxies for certain political parties.
- .Claiming involvement in human rights initiatives or social empowerment, these organisations are allegedly fronts for foreign supported extremist and secessionist groups.
- .A large part of these funds is also being used for religious conversions, which is forbidden under the FCRA.

## Suggestions

- .All States must have adequate regulatory mechanisms to keep track of the money issued to the NGOs. Establish a national regulatory agency to oversee the working of NGOs.
- .Government should motivate NGOs to voluntarily adopt the 'National Policy on Voluntary Sector (2007)' for better regulation of sector.
- .Instead of blocking the foreign funds it is necessary for government to ensure further transparency in categorising the NGOs based on their funds sources.
- .There is need to bolster public confidence in the voluntary sector by opening it up to greater public scrutiny. Making online disclosure of annual reports mandatory.

- .Strengthening of institutional mechanisms to verify annual reports and budgets. Encourage social audits to facilitate scrutiny by the beneficiaries themselves.
- .Public donation is an important source of funds for the NGO sector and one that can and must increase substantially. Tax incentives play a positive role in this process. At the same time, Government must ensure that these incentives are not misused by paper charities for private financial gain.
- .The Government should encourage all relevant Central and State Government agencies to introduce training modules on constructive relations with the voluntary sector. These could cover registration, income tax clearances, financial assistance, etc.
- .There must be a formal system for registering complaints and for redressing grievances of NGOs.
- .Selective handling of those agencies which are creating engineered dissent. 10. Bring all NGOs through which government programmes are being outsourced and

## Relationship between the Indian state and NGO

- .In India state policies have significantly influenced the formation of NGOs and their activities. Government provides financial assistance to NGOs to support implementation of social development projects.
- .Ninth five-year plan proposed that NGOs should play a role in development on the PPP model. The agricultural development policies of the government and its implementation mechanisms provided scope and space for NGOs. A case in point is the watershed development program, which has led to the growth of NGOs working for rural development.
- .A Civil Society Window was started in 2004, in the hope that it would enable people to engage with the Planning Commission and offer the benefit of their field experiences.

.During the 11th Five Year Plan process a regional consultation was organised to get civil society feedback.

.Government has brought a national policy on voluntary sector to strengthen, promote and develop such institutions.

.Successes: **Operation flood**, which was a collaboration between National Dairy Development Board (NDDB) and Amul was a resounding success. SHGs have been at the forefront of facilitating institutional credit to rural poor along

## Failures:

Acharya Vinoba Bhave's Bhoodan and JPN's Gramdan movement was not backed up by effective land reform legislations. Various CSI oriented provisions such as RTI, citizens charter, social audit etc., are afflicted by problems of corruption, bureaucratic red-tapism etc.

The partnership is yet to achieve its full potential due to issues like political patronage, lack of workers, red tapism, suspicious vested interests, demands for bringing political party under RTI.

## **National Policy on the Voluntary Sector, 2007**

- .It aims to strengthen, promote and develop Voluntary sector. VOs include community based organisations (CBOs), NGOs, charitable organisations, support organisations and professional associations.
- .To identify methods by which Government may work together with VOs, on the basis of the principles of mutual trust and respect, and with shared responsibility.
- .It recognises the importance of independence of voluntary organisations, which allows them to explore alternative models of development.

- .To enable VOs to mobilise financial resources from India and abroad.
- .To encourage VOs to adopt transparent and accountable systems of governance and management.
- .It highlights the need for Government to encourage all central and state Government agencies to introduce pre-service and in-service training modules on constructive relations with voluntary organisations.

## Various measures to enhance relationship

.The 2nd ARC had recommended setting up a National Accreditation Council to devise an accreditation system for voluntary organisations obtaining funds from government.

.Encouraging the extension of SHG movement to urban and peri-urban areas.

.Government should give airtime, ad-spaces for NGOs, more tax incentives, funds for training of frontline workers. Also, FCRA can be moved to under Finance Ministry and Government can make a provision for including the leading NGOs in bodies like NHRC,

.To improve women group's financing, the operations and capital of the **Rashtriya Mahila Kosh** should be enhanced.

.Encouraging CSI participation in self regulatory authorities such as UGC, BCI, MCI etc.

Plutus IAS

## How NGOs are better than state agencies

- .State agencies are often too large and spread widely to solve problems and satisfy needs of the local community at the grassroots level. This gap is often filled by non-state actors such as NGOs, Civil society organisations and SHGs.
- .Due to their non-state nature, they are capable of experimenting freely with innovative approaches. They are generally not bound by strict procedures.
- .Moreover, they are very specialised in nature, such as some Bachpan Bachao Andolan (rescuing children from labour), Akshay Patra (providing nutritional food), Goonj (channelling donations), etc.

.Some NGOs also have dedicated personnel who voluntarily join the organisation. So, commitment and dedication would be more from their side than from Government officers.

.NGOs also have access to philanthropic donations from rich persons which are not that easily available to State agencies.

.Even Government directs its agencies to involve NGOs in the implementation of projects. For instance, state governments partner with Akshaya Patra Foundation to implement the Mid-Day meal Programme

## Civil society and Good governance

- An independent and effective civil society is one that is outside the realm of government and markets-so they are without vested interests and thus can act as effective pressure groups
- How an independent and effective civil society helps in achieving good governance?
  - Help identify the gaps in governance and work towards filling it
    - Eg: Akshaya Patra tries to bridge the nutrition gap by providing nutritious food complementing Mid Day Meal Scheme
  - Pressurise the Govt. to be more transparent
    - Eg: Mazdoor Kisan Shakti Sangathan (MKSS) and its role in getting the Right to Information (RTI) Act passed
  - Instilling accountability in governance. Eg: Social audits
  - Helps in representing the weaker voices of the society and thus be inclusive
    - Eg: Safai Karamchari Andolan's work in eradicating manual scavenging
  - Ensures sustainable governance
    - Eg: Narmada Bachao Andolan's work in environmental sustainability
  - Act as a watchdog against violation of human rights

# Challenges that prevent civil societies from reaching their potential

- Lack of resources – financial, funds etc. – compared to the Government
- No legal mandate unlike statutory bodies- hence not included in all policy deliberations
- Tight regulatory framework as seen in the recent regulation of NGOs
- Tend to be narrow in focus
- Many NGO's act as front for malafide activities- terrorist financing, money laundering etc

An independent and effective civil society can bring in the much needed citizen perspective into governance, can contribute a lot in empowering citizens and in making the governance process inclusive, sustainable and transparent– thus they should be promoted through an enabling regulatory framework so that they can reach to their full potential

The **Foreign Contribution (Regulation) Amendment Bill, 2020** was passed by the Parliament. The Bill amends the **Foreign Contribution (Regulation) Act, 2010**.

Plutus IAS

# Provisions of the Bill:

**Prohibition to accept foreign contribution:** The Bill **bars public servants** from receiving foreign contributions.

- **Public servant** includes any person who is in service or pay of the government, or remunerated by the government for the performance of any public duty.
- The **FCRA 2010** also **bars certain persons to accept any foreign contribution**. These include: election candidates, editor or publisher of a newspaper, judges, government servants, members of any legislature, and political parties, among others.

- **Transfer of foreign contribution:** The Bill prohibits the transfer of foreign contribution to any other person.
  - The term '**person**' under the Bill includes an **individual, an association, or a registered company.**
  - The **FCRA 2010** allows transfer of foreign contributions to persons registered to accept foreign contributions.
- **Aadhaar for registration:** The Bill makes **Aadhaar number mandatory** for all office bearers, directors or key functionaries of a person receiving foreign contribution, as an identification document.

**FCRA account:** The Bill states that foreign contribution must be received only in an account designated by the bank as **FCRA account** in such branches of the **State Bank of India**, New Delhi. No funds other than the foreign contribution should be received or deposited in this account.

- The person may open another FCRA account in any scheduled bank of their choice for keeping or utilising the received contribution.

- **Restriction in utilisation of foreign contribution:** The Bill allows the government to restrict usage of unutilised foreign contribution. This may be done if, based on an inquiry the government believes that such person has contravened provisions of the FCRA.
- **Reduction in use of foreign contribution for administrative purposes:** The Bill proposes that not more than 20% of the total foreign funds received could be defrayed for administrative expenses. In FCRA 2010 the limit was 50%.
- **Surrender of certificate:** The Bill allows the central government to permit a person to surrender their registration certificate
  - The government may do so if, post an inquiry, it is satisfied that such person has not violated any provisions of the FCRA 2010, and the management of its foreign contribution has been vested in an authority prescribed by the government.

## Criticism of the FCRA Bill, 2020

- The legislation may be used to target political opponents and religious minorities.
- **Affects Fundamental Rights:** The FCRA restrictions have serious consequences on both the rights to free speech and freedom of association under Articles 19(1)(a) and 19(1)(c) of the Constitution.
- **Cripples NGO Functioning:** Due to the 20% cap, many NGOs will shut shop and many people will become jobless.
- **Double Standards:** On one hand the government invites foreign funds, but when such funds come for educational and charitable purposes, it is prevented.
- **Licence-Raj on NGOs:** The Bill assumes that all NGOs receiving foreign grants are guilty and thus makes Aadhar of office bearers as mandatory requirement.
- **Open the doors for Bureaucratic Harassment:** There is a thin line between enforcing transparency and using rules to allow official interference and harassment in the sector. Much of the present bill crosses that line and introduces a questionable degree of micro-management.
- **Democratic Functioning:** NGOs perform vital role of interest aggregation and interest articulation in Democratic process. Disproportionately restricting their functioning will hamper Democracy in long run.
- **Liable to misuse due to Vagueness in law:** The Act gave the government the power to frame rules whereby an organisation can be declared to have political objectives – without defining what a ‘political objective’ is.

Q. “Institutional quality is a crucial driver of economic performance”. In this context suggest reforms in Civil Service for strengthening democracy

.

Plutus IAS

# SHG:

- SHGs are informal associations of people who choose to come together to find ways to improve their living conditions. They help to build social capital among the poor, especially women.

Plutus IAS

## Benefits of SHG

- . Women became more vocal and assertive on social and family issues. It also enhances their self esteem.
- . The SHG programme has contributed to a reduced dependency on informal money lenders. SHGs also improve relations of debtors with credit delivery institutions. To encourage habit of saving among members and facilitate the accumulation of their own capital resource base.
- . It promotes the concept of group accountability ensuring that the loans are paid back. The SHGs enables the members to learn, cooperate and work in a group environment.
- . SHGs supports people in rural areas in setting up micro enterprises. Ex: Personalised business ventures like tailoring, grocery, and tool repair shops.
- . SHGs create a team of local resource persons. Because NGOs support often consists of training people on how to manage bank accounts, how to assess small business potential of the local markets and how to upgrade their skills.

6. The financial inclusion attained through SHGs has led to reduced child mortality, improved maternal health and the ability of the poor to combat disease through better nutrition, housing and health and especially among women and children.

Plutus IAS

# Case studies

- **Kudumbashree in Kerala**

- It was launched in **Kerala in 1998** to wipe out absolute poverty through community action. It is the largest women empowering project in the country. It has three components i.e., **microcredit, entrepreneurship and empowerment**. It has three tier structure - neighborhood groups (SHG), area development society (15-20 SHGs) and Community development society (federation of all groups). **Kudumbashree is a government agency that has a budget** and staff paid by the government. The three tiers are also managed by unpaid volunteers.

- **Mahila Arthik Vikas Mahamandal (MAVIM) in Maharashtra**

- SHGs in Maharashtra were unable to cope with growing volume and financial transactions and needed professional help. Community managed resource centre (CMRC) under MAVIM was launched to provide financial and livelihood services to SHGs. CMRC is self-sustaining and provides need-based services.

# Weakness

1. Majority of the group are unaware of the schemes of assistance offered to them.
2. Contrary to the vision for SHG development, members of a group do not come necessarily from the poorest families.
3. Strong members try to earn a lion's share of the profit of the group, by exploiting the ignorance and illiterate members.
4. Most of the activities undertaken by the SHGs are still based on primitive skills related mostly to primary sector enterprises. There are lack of qualified resource personnel in the rural areas who could help in skill upgradation of new skills by group members.
5. The SHG model has led to definite social empowerment of the poor but the economic gains are not adequate to bring a qualitative change in their life.
6. Non-cooperative attitude of the financial institutions.

## Suggestions

- .All the members in the SHGs may not have same expertise. So, NGOs can identify the inefficient members of the group and can impart proper training to them.
  - .Frequent awareness camps can be organised by the Rural Development department authorities to create awareness about different schemes.
  - .Financial assistance to the SHGs should be strictly on the basis of their actual performance without any discrimination on the basis of caste, religion or political affiliations.
4. There is need for transparency in the functioning of SHGs

## Measures to Make SHGs Effective

- The Government should play the role of a **facilitator and promoter**, create a supportive environment for the growth and development of the SHG movement.
- **Expanding SHG Movement** to Credit Deficient Areas of the Country - such as Madhya Pradesh, Rajasthan, States of the North-East.
- **Rapid expansion of financial infrastructure** (including that of NABARD) and by adopting extensive IT enabled communication and capacity building measures in these States.
- **Extension of Self-Help Groups to Urban/Peri-Urban Areas** – efforts should be made to increase income generation abilities of the urban poor as there has been a rapid rise in urbanisation and many people remain financially

- **Positive Attitude** – Government functionaries should treat the poor and marginalized as viable and responsible customers and as possible entrepreneurs.
- **Monitoring** – Need to establish a separate SHG monitoring cell in every state. The cell should have direct links with district and block level monitoring system. The cell should collect both quantitative and qualitative information.
- **Need Based Approach** – Commercial Banks and NABARD in collaboration with the State Government need to continuously innovate and design new financial products for these groups.

# Micro-finance

Plutus IAS

- Microfinance is a banking service provided to unemployed or low-income individuals or groups who otherwise would have no other access to financial services.

Plutus VAS

## Advantages

- .There is personal contact between lender and borrower. So, easier to access finance.
- 2. Usually no collateral is required for getting loans.
- .Adequate repayment methods are provided thus reducing burden on poor borrowers.
- .It helped the poor to set up micro-industries, invest in agriculture, or meet emergency need.

Plus IAS

5. It was successful in women empowerment as women comprises more than half of borrowers. The microfinance when combined with the SHGs gave an effective development model.

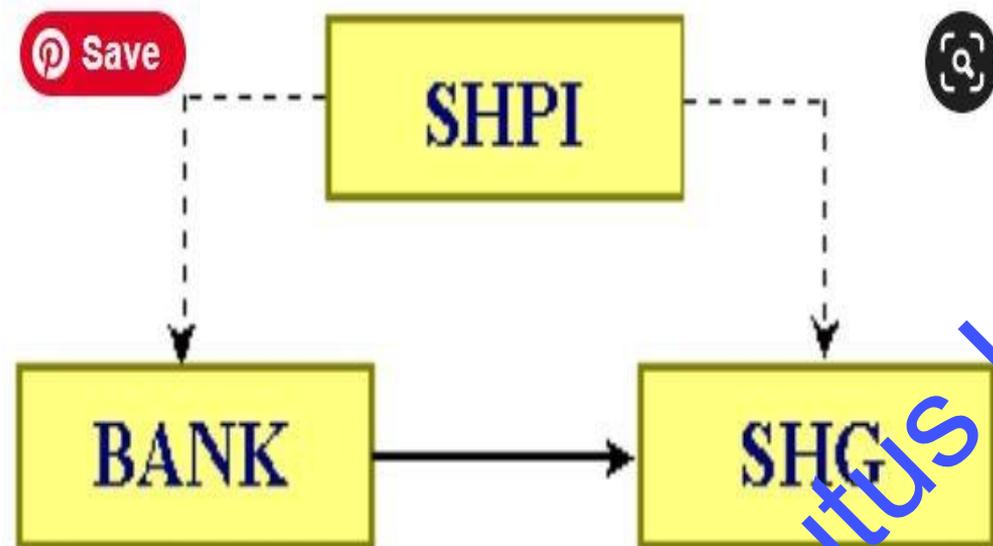
6. It increased savings rate in the country by increasing saving habits among poor.

# Limitations

1. The volatile combination of profit-seeking companies, minimal competition, and ill-educated borrowers has opened up dangerous potential for exploiting the poor.
2. Due to high demand, interest rates have gone up.
3. They are not available in very remote and sparsely populated areas.
4. Another problem with MFIs and SHGs particularly in rural areas is capture of finance by dominant castes.
5. There are lack of capacities to screen and evaluate the business proposals for which lending is done.
6. Multiple lending, over-borrowing and ghost borrowers reduce efficiency of MFIs.

MFI is a potent tool to reduce poverty and increase economic development of the country. It needs to be better regulated for continued success.

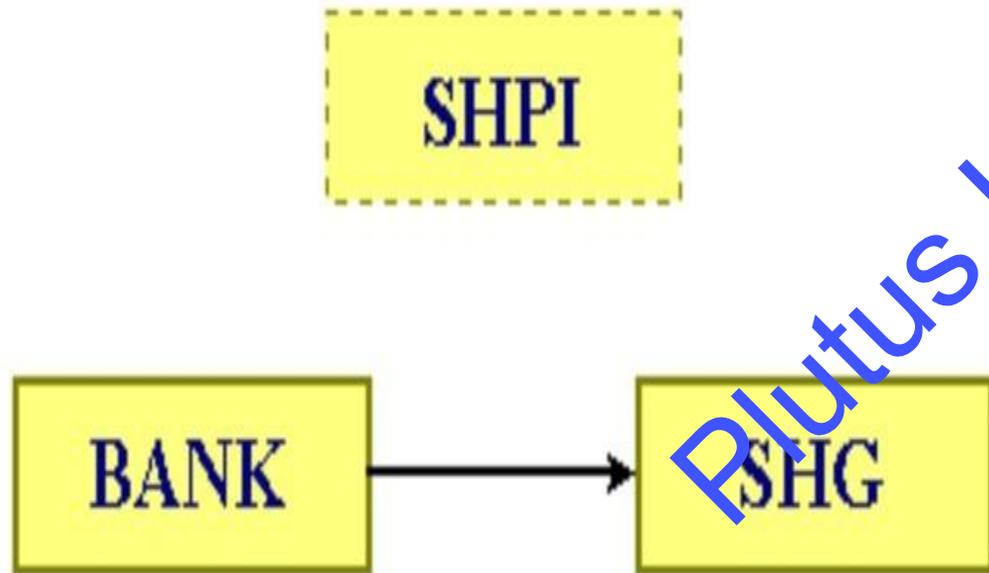
## MODEL I: Bank-SHG with active support of SHPI



The most common linkage model in India is where the banks deal directly with individual SHGs. In case of most of these SHGs, the SHPI had provided the initial training, guidance to rural poor in organizing themselves into thrift and credit groups. In many cases, the SHPI had also provided some initial support to

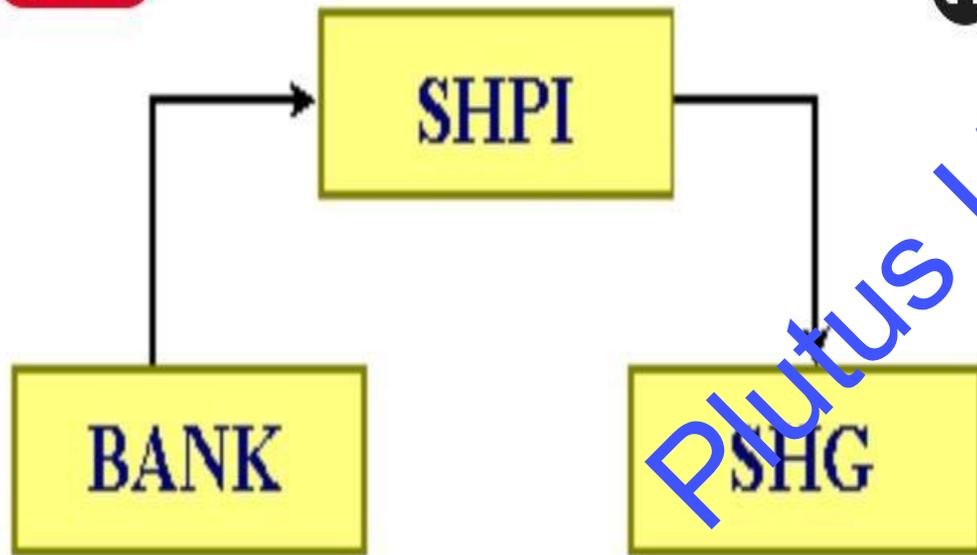
these SHGs to augment their resources. (In case of an NGO, *MYRADA*, it became possible for it to provide such financial assistance to SHGs from an initial support of Rs. 1 million by NABARD before the Pilot Project was started). The SHPI also keeps a watch and ensures satisfactory functioning of the SHGs even after the linkage. While linkage of the banks is direct with the SHGs, the SHPI has an important role in pre- as well as post-linkage stages.

## MODEL II: *BANK-SHG*



A slight variant to Model 1 is where Banks have provided financial support to SHGs which had grown almost spontaneously without any intervention of any SHPI. The SHGs were initially on the basis of a common activity, problem and took up thrift and credit activities. The cases of such linkages are of course not very common.

### MODEL III: *BANK-SHPI-SHG*



In this model, the SHPI have taken the role of a financial intermediary between the banks and a number of SHGs. Again, the SHPIs take up such responsibilities only in respect of the groups promoted/nurtured by them and not for other groups. The SHPI accepts the contractual responsibility for repayment of the loan to the bank. In this respect it

is indirect linkage support to the SHGs. This model is quite common.

**Q.** Microfinance presented a good alternative in rural areas where there is lack of access to formal banking channels. It helps in financial inclusion of the rural areas.

Plutus IAS

# SHG vs PRI

1. PRIs and SHGs have overlapping aims from poverty alleviation to enhancing participative democracy. The two institutions sometimes compete with each other for space in development administration and political processes. SHGs are then seen as undermining the constitutional roles of PRIs.

## Friction

1. SHGs are becoming a conduit for routing number of development schemes.
2. Alignment of interests of MFIs, NGOs, cooperations and donors with that of SHGs. They have been increasingly involved with SHGs rather than PRIs in capacity building.
3. Some states have mandated inclusion of SHG members in various committees of the PRI.
4. Political prejudice due to social compositions of PRIs and SHGs has weakened the relationship.

However, there are **number of successful examples** where SHGs and PRIs working in tandem have affected a positive change in the rural society.

The **Indira Kranthi Patham Yojana** by Society for Elimination of Rural Poverty (SERP) in Andhra Pradesh is very active in improving the livelihoods of rural poor families.

- Some SHGs work under the Panchayat system for distribution of pensions, wage labour under MGNREGA, etc. **Kudumbashree**, a women based participatory poverty eradication programme is an SHG movement into

**Conclusion:-** The nature and mandate of both these institutions requires that they operate in coordination to utilise resource efficiently and produce better outcomes. A linkage with the SHGs will enhance responsiveness, accountability and transparency in PRIs.

Plutus IAS

- While at the Gram Panchayat level SHGs could be implementing, monitoring and evaluating agencies, at the Block and District levels, they can act as a pressure group, provide feedback and act as watchdogs. However, it is imperative that the capability and capacity of the SHGs and the PRIs be strengthened for a symbiotic relation

Q. The emergence of Self Help Groups (SHGs) in contemporary times points to the slow but steady withdrawal of the state from developmental activities'. Examine the role of the SHGs in developmental activities and the measures taken by the Government of India to promote the SHGs.

Q. Examine critically the recent changes in the rules governing foreign funding of NGOs under the Foreign Contribution (Regulation) Act (FCRA), 1976.

Q. The Self-Help Group (SHG) Bank Linkage Programme (SBLP), which is India's own innovation, has proved to be one of the most effective poverty alleviation and women empowerment programmes. Elucidate.

Q. The penetration of Self Help Groups (SHGs) in rural areas in promoting participation in development programmes is facing socio-cultural hurdles. Examine.

**Q.** The legitimacy and accountability of Self Help Groups (SHGs) and their patrons, the micro-finance outfits, need systematic assessment and scrutiny for the sustained success of the concept. Discuss.

**Q.** “Microfinance as an anti-poverty vaccine, is aimed at asset creation and income security of the rural poor in India”. Evaluate the role of Self-Help Groups in achieving the twin objectives along with empowering women in rural India.

## Pressure groups

1. Interest group is an organisation of people who share a common interests and work together to promote their interest by influencing the government. The pressure groups includes **churches and charities**, businesses and trade and **professional associations, think tanks**, etc. Interest groups vary greatly in size, aims and tactics.

## Major types

1. Economic association, such as chambers of commerce, trade unions.
2. Professional association, such as that of architects, doctors, lawyers.
- .Public interest group (PIG), such as friends of environment who aim to benefit people beyond their membership.
- .Special interest group (SIG), a subgroups formed within the framework of a

## Reasons for formation of pressure group

- .The rise in benefits provided for by the welfare state is leading interest groups to form to protect and extend those rights to their group members.
- .Increased leisure time, both in terms of the shorter working week and more early retirement, has increased the number of people with time to devote to such activities.
- .Higher educational standards have increased the numbers of people with the organisational skills to contribute to pressure groups.
- .Changes in gender roles have removed many of the barriers to participation by women in pressure group activity.

.Membership of political parties has declined. It has been argued that this reflects the **failure of the political parties** adequately to reflect the needs of different groups of people in society, and that cause groups offer a more promising route for bringing about political change.

.**Globalisation has strengthened pressure groups** in a number of ways. In particular, there is general agreement that business groups have become more powerful in a global age. This is because they are able more easily to relocate production and investment, so exerting greater leverage on national governments.

## Key features

- .They exert influence from outside, rather than to win or exercise government power.
- .Pressure groups do not make policy decisions, but rather try to influence those who do.
- .They typically have a narrow issue focus. In some cases, they may focus on a single issue (For instance opposing a planned steel plant development).
- .Members are united by a shared belief in a particular cause. People with different ideological and party preferences may thus work happily together as members of the same pressure group.

.They try to follow modern means of exerting pressure, without fully giving up the traditional or old ways of operation.

.They adopt techniques like financing of political parties, keeping the bureaucracy satisfied, etc. Their traditional means include exploitation of caste, creed and religious feelings to promote their interests.

## Role/function of pressure group

- .Representation:** Pressure groups provide a mouthpiece for groups and interests that are not adequately represented through the electoral process or by political parties.
- .Political participation:** Pressure groups have become an increasingly important agent of political participation. Of UK citizens, 40-50 per cent belong to at least one voluntary association. Interest groups may attempt to influence elections in order to get people who support their issues elected. Techniques include giving money to candidates, endorsing candidates, etc., are performed.
- .Lobbying government:** It includes contacting members of parliament, ministers and bureaucrats to disseminate information about the positive or adverse effects of proposed legislation. Ex: FICCI lobby Government to bring tax reforms which suit industry.

- .Educating public:** Interest groups work hard to educate the public at large, government officials, their own members, and potential interest group members. They use sources like communication medium which include TV advertisements, sponsored news paper articles, social media, etc.
- .Mobilising public:** The interest groups not only create public opinion but sometimes draw the general masses into agitational and protest politics. If they want to set an industry in a particular area, they create the necessary climate and make the people of the area demand for the industry.
- .Policy formulation and implementation:** In particular, pressure groups are a vital source of information and advice to governments. Many groups are therefore regularly consulted in the process of policy formulation, with government policy increasingly being developed through policy networks. An example of such group is Observer Research Foundation, which works on policy issues primarily related to Foreign affairs.

## Role in policy making

- .Before independence, business groups presented Bombay plan as model of development for free India. Now also they can help in designing models like renewable energy policy in recent time.
- .They can accumulate pressure on Government by placing their demands and expressing their concerns on lack of business opportunities. Ex: Before budget, they started to write articles about rationalising inverted duty, removing tax on ESOP, which was eventually followed in budget.
- .Give scathing criticisms against Government and opposition for lacunae in promoting business environment. Ex: FICCI, CII came in open support of GST and criticised opposition for their adversarial politics.

.They present data and research work. For example, NASSCOM has been in active support for growth of Startups in India which later led to launching of Startup India mission.

.In bilateral relations between nations like India-USA or in international events like in Davos, these groups work with government to attract business and investment for India.

.They are running engine of economies and their concerns are bound to be taken seriously for continuous growth of nation.

Ex: ATUFS launched recently is another example of ongoing pressure from such groups.

## Positives

- .Pressure groups have become an increasingly important agent of political participation. They seek to exert influence by mobilising popular support through activities such as petitions, marches, demonstrations and other forms of political protest.
- .They keep governments more responsive to the wishes of the community, especially in between elections.
- .Pressure groups are able to express the views of minority groups in the community who might not otherwise receive a hearing.

4. Pressure groups compile data and provide specific information to policy makers, thus they work as an informal source of information which is separate from that coming from the public service. Many groups are therefore regularly consulted in the process of policy formulation.

. The role of some pressure groups extends beyond trying to shape the content of public policy to playing a role in putting policy into practice. Not only do such links further blur the distinction between groups and government, but they also give the groups in question clear leverage when it comes to influencing the content of policy.

## Negatives

- .Pressure groups in India tries to influence the government mainly through various unconstitutional method as strikes, agitation,demonstration, lockouts etc.
- .Pressure groups at times gets influenced by their sectional and local interest more as compared to their common interest as seen in Jallikattu ban case in Chennai.
- .At times they hinder development. In case of protests against Kudankulam nuclear power project, people were mobilised on propaganda of safety issues.
- .Pressure groups may represent a powerful minority force in society and exert political influence to the detriment of the majority of society. Ex: Anti-tobacco lobby.

## Limitations

- .In India, organised groups largely influence the administrative process rather than the formulation of policy. This is dangerous as a gap is created between policy formulation and implementation.
- .Furthermore, these groups vary in their possession of resources needed to give them influence. Consequently, the playing field of these competing groups is far from equal.
- .Many of the groups have a very short life because of the lack of resources.
- .In a country like India the tendency to politicise every issue, whether it has social, economic, cultural import, restricts the scope, working and effectiveness of pressure groups.

.Instead of the pressure groups exerting influence on political process, they become tools and implements to serve political interest.

.Regardless of which groups are most powerful, pressure group influence is exerted in a way that is not subject to scrutiny and public accountability. Pressure groups usually exert influence behind closed doors.

.The leadership of these groups tends to lack democratic organisation. Therefore, they may not actually present a true picture of public opinion, but instead may demonstrate the desires of the leader who articulate the groups policy interests to government.

8. Most pressure groups except business groups and big community groups do not have autonomous existence. They are unstable and lack commitment, their loyalties shift with political situations which threatens general welfare.

PlusAS

## **Political party and Pressure group**

.There are several reasons why political parties are often confused with the pressure groups. Firstly, many small political parties resemble pressure groups in that they have a narrow issue focus. For example, the British National Party (BNP) is primarily concerned with issues of race and immigration.

.Secondly, some pressure groups use elections as a tactical weapon as a means of gaining publicity and attracting media attention, with little expectation of winning the election, still less of winning government power.

.The relationship between the pressure groups and political parties is also an interesting one. A pressure group with a close relationship to a political party may work to its advantage. But this can be harmful at times especially when the opposing party comes to power, the pressure group's influence is bound to decrease on policy.

.While some pressure groups are linked to particular political parties, there are many which have no linkage to any political party.

## **Directive principles and pressure groups**

- .Art 38 mentions about a just socio-economic order. This is where various trade unions such as CITU, AITUC affiliated to various political parties influence policies like minimum wage (Art. 43), workers participation in management (Art. 43A) etc.
- .Organisations such as legal aid, NALSA group offer free legal aid to poor thus fulfilling objectives of article 39A.
- .Environment protection groups like Narmada bachao andolan (NBA), green peace, blue cross etc., fulfill the objective of a Article 48A.
- .IDSA help in track II diplomacy in ensuring a peaceful and cooperative international order (Art 51).

5. Fair trade organization (**FTO**) help in promotion of cottage industries (ART 43).

**Organisations like SEWA, Mahila sashaktikaran andolan**, etc have helped formulate various legislations like new maternity benefit, criminal law amendment, IPC 498A (domestic violence). Similarly bachpan bachao andolan (BBA) have made changes in national child policy, new labour reforms, POSCO etc fulfilling objectives of Article 46.

.Organizations like Akshaya patra ensure nutrition via mid day meal scheme, fight substance abuse etc (Art 47).

.Organizations like Bhartiya kisan sangh, RKSS, shetkari sangathan, help in fighting for farmers rights and also in technology dissemination to fulfill objective of scientific farming and animal husbandry (Art 48).

.Organisations like National federation for women (NFIW) have stood against regressive personal laws like triple talaq, polygamy to ensure uniformity in personal laws in order to enforce a uniform civil code (UCC) which bore fruit when SC ruled triple talaq as unconstitutional (Article 44).

.However the negative influence of pressure groups can be felt when some vigilante groups like Gau Rakshan samitis become anonymous empires to prevent cow slaughter as seen in recent lynching cases (Art 48), try to influence policy for narrow gains help in concentration of wealth (FICCI, CII) etc

## Indian vs Western pressure groups

1. American pressure groups are regarded as the fourth organ of the government but the Indian pressure groups are not yet able to play such significant role in politics.
2. In India, the cabinet and civil service are the main targets of pressure groups for lobbying purposes rather than the Parliament. However, the targets of American pressure groups are the Congress and its committees rather than the President for lobbying purposes.
3. In India pressure groups based on caste, religion, region, etc., are more powerful than the modern groups like business organisations.
4. A significant feature of American pressure groups is that in the USA pressure groups take interest in foreign policy issues while in India pressure groups do not seem to have interest in foreign policy matters. Comparatively, the Indian pressure groups are concerned more with domestic policy issues and problems, and less with foreign policy matters.

In a democracy wants people to express their views and interests. Pressure groups provide means to this.

# Caste based Pressure groups

Examples 1. Harijan Sevak Sangh.

. Creation of caste based development corporations. Ex: NSCFDC.

. Political empowerment: Marwari Association in Rajasthan.

. Increasing self-identity: Celebration of Bhima-Koregaon battle.

Plus IAS

## Negative fall outs:

- Identity politics- caste based politics. Likelihood of minority castes being left out.
- Fragmented society- reinforcing caste consciousness. Ex: Lingayats in Karnataka.
- Increased social unrest where people fight each other. Ex: caste based violence bhima-koregaon.
- Law and order issue with their agitation turning violent. Ex: Jats for reservation, karnisena (padmavat).
- Violent protests obstructing development through protests.
- Political class agreeing to illegitimate demands. Ex: reservation for Marathas when they do not meet the criteria of socially-educationally backward class.

# Sixth schedule

Plutus IAS

|                         | Scheduled Area(5 <sup>th</sup> Schedule)   | Tribal Area(6 <sup>th</sup> Schedule)   |
|-------------------------|--|---|
| States                  | Any states except Mizoram, Meghalaya, Tripura, Assam   | Only in Mizoram, Meghalaya, Tripura, Assam  |
| Declaration             | -Declaration → president<br>-Decrease, increase, redesignation of area → President consultation with Governor  | -Governor is empowered to organize, reorganize Autonomous districts*.<br>-Increase or Decrease the area   |
| Executive Power         | -States executive powers extend to those areas<br>-Centers extends to giving direction to states   | -Tribal areas are constituted as autonomous district but falls inside states executive authority  |
| Tribes advisory council | -Consist of 20 members<br>-3/4 <sup>th</sup> are representatives of ST in Legislative assembly   | Similar council(that of Scheduled area) if President directs  |
| Applicability of Law    | -Governor to direct<br>-Governor can make regulations for good governance and peace after consultation with Tribes advisory Council → Can amend or repeal any act of Parliament(Requires President assent) | The acts of state legislature or Parliament do not apply to (specified modification) Autonomous districts and regions   |
| Autonomous districts*.  |  | 30 members ,4 are nominated by governor rest elected.<br>-Nominated members pleasure of Governor<br>-Elected members 5 years.<br><br>Governor can dissolve a district or regional council on recommendation of Commission |

There are ten such Councils in the region as listed below:

### Assam

- 1)-Bodoland Territorial Council
- 2)-Karbi Anglong Autonomous Council
- 3)-Dima Hasao Autonomous District Council

### Meghalaya

- 1)-Garo Hills Autonomous District Council
- 2)-Jaintia Hills Autonomous District Council
- 3)-Khasi Hills Autonomous District Council

### Tripura

- 1)-Tripura Tribal Areas Autonomous District Council

### Mizoram

- 1)-Chakma Autonomous District Council
- 2)-Lai Autonomous District Council
- 3)-Mara Autonomous District Council

#### Facts to Know

There has been an exception made for Bodoland Territorial Council within the state of Assam. The area has been accorded Sixth Schedule Status despite the fact that the population of the Schedule Tribe in the area is only 38 percent. So the constitution has to be duly amended to provide safeguards to tribals in areas where they are in minority. For non-tribals residing there certain safeguards has been also drawn.

The demand for separate Gorkhaland state has been led by Subhash Ghising , prominent leader of Gorkha National Liberation Front. Gorkhaland in their demands has to be carved out of the hills of Darjeeling and areas of Dooars and Siliguri terai contiguous to Darjeeling. Around 1200 people lost their lives in the agitation for the demand that continued from 1986-1988.

- **Article 244** of the Constitution envisages a special system of administration for certain areas designated as **'scheduled areas' and 'tribal areas'**.
- 6th schedule contains the special provisions for the administration of tribal areas in the state of Assam, Meghalaya, Tripura and Mizoram.
- The tribes in these states have distinct **ethnicanthropogenic and cultural identity** not found in any other tribal areas of the country. Similarly they are backward in the terms of socioeconomic development.

- Constitution has provided them a special treatment by providing autonomous district councils (ADC) in these tribal areas.
- Major objective of the government is to provide them with **considerable amount of autonomy for promoting self rule under democratic framework.**
- The Autonomous district councils (ADCs) have not more than 30 members, elected by adult suffrage and not more than 4 members in it are nominated

## Provisions of 6th schedule

**1. Autonomous districts:** The tribal areas in these states have been constituted as autonomous districts, each of which has an autonomous district council (ADC) and each autonomous region has a separate regional council consisting of 30 members. Currently, there are 10 such councils.

**2. Legislative powers:** The autonomous district councils have the powers to make laws on land, forest use, aquatic body of the district or region, regulation of Jhum cultivation etc., within the district.

**Judicial powers:** They may constitute courts for the trial of suits and cases between the parties all of whom belong to Scheduled Tribes within such areas or district.

**Tax revenue:** The district and regional councils are empowered to assess and collect land revenue and to impose certain specified taxes.

**Other powers:** The district council for an autonomous district may establish, manage primary schools, dispensaries, markets, cattle pounds, ferries, fisheries, roads, road transport and waterways in the district with the previous approval of the Governor

- State governors too were given a protective role, such that they could make regulations about transfer of land from tribals to non tribals

Plutus IAS

# Positives

- .The funds allocated to the MPs and MLAs for local area development purpose are successfully being executed through the councils.
- .Decentralisation of administrative and legislative functions to the grass root level following the principle of subsidiarity, have led to empowerment of otherwise alienated sections of the society.
- .Many social service scheme implementations have shown positive results under these councils.
- .For example, to motivate the jhum cultivation families, the Council took up a step to develop the region by promoting different schemes under horticulture, this rehabilitated 455 families and boosted agricultural and horticultural production in the region.

## Negatives

- Financial crisis:** These councils are facing financial crisis as they are not covered by State finance commission (SFCs). Thus, PRIs in non-6th schedule areas are liberally funded.
- Functional overlap:** Some sixth schedule protected areas have graduated from districts into states, such as Mizoram and Meghalaya. Here, the councils overlap the normal district administration and PRIs.
- Lack of skilled professionals:** Almost all Councils do not have access to planning professionals which results in ad-hoc conceiving of development projects without proper technical and financial consideration.

**.Lack of codification of customary law:** Customary laws need to be codified and brought into practical use to ensure protection of tribal cultural identity.

**.Decentralization of powers** has not taken place in many 6th schedule areas. For example, in the **Bodo Territorial Area districts, there is only district council** which elects few people who enjoy unbridled power. The members of the councils need to be trained and participation and involvement of the people needs to be enhanced too.

.Some members of autonomous council are helping in siphoning of money to the extremist group factions. For example, north cachar autonomous council is under scrutiny of NIA and CBI.

.The laws made by the councils require the assent of governor. This process has no time limits, thus legislations get delayed for years. There are differing views over the discretionary power of governors.

.Because of presence of more than one autonomous council, there are allegations of one being treated less favourably than other. For example, in Assam, there is a perceived preferential treatment to Bodoland Territorial Council (BDC) in matters of budget allocations

## Remedies to 6th schedule problems

- . There is a need that Sixth Schedule is amended and Autonomous Councils are made to benefit from the recommendations of the SFCs.
- . State governments and the Autonomous Councils should identify powers under the Sixth Schedule that **Governors may exercise at their discretion without having to act** on the aid and advice of the Council of Ministers.
- . The administration of the district autonomous councils should be periodically reviewed by a commission under Union Government.
- . Creation of elected village councils in all areas and ensure accountability of village councils to the Gram Sabha.
- 5. Inclusion of women leaders in the elected council

## 6. Tribal Panchsheel of Nehru.

**Tribal sub-plan**, which earmarks budgets to specific plans.

Plutus IAS

# Education in India

Education is derived from two Latin words "educare," which means to train or to mold, and "educere," meaning to lead out.

Pritus IAS

Constitutional-legal

Part IV of the Indian constitution

Art 39(f)

Equitable

Accessible

State funded

42nd amendment

Education

Moved to concurrent list

From state list

86th amendment

Right to education

Made fundamental right

RTE, 2009

Universal education

For age 6-14

Plutus IAS

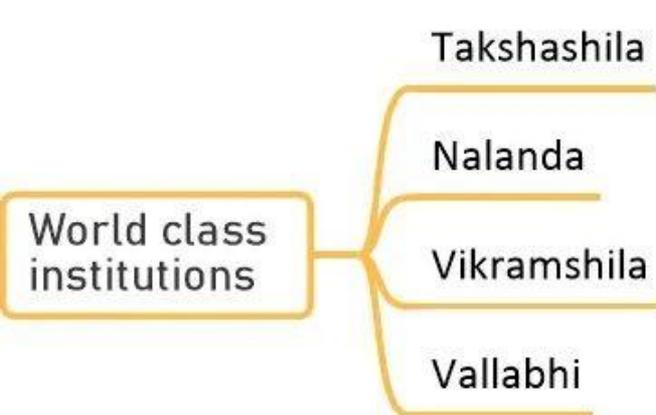
1986

## How does Education differ from Literacy?

- Literacy is more of a quantitative measures where education is more qualitative in nature.
- Literacy is mostly confined to formal schooling whereas education not only includes formal schooling but also parents, family and society at large.
- Literacy is mostly linked to skills where education is linked with all-round development of man. It not includes skills but also values, morals etc.
- Great philosopher Rabindranath Tagore : **The aim of education is creative self-expression through physical, mental, aesthetic and moral development.**

# HISTORY OF EDUCATION IN INDIA

- 'Vedic system' with the ultimate aim being complete realization of self.
- Gurukul' which fostered a bond between the Guru & the Shishya
- The world's **first university was established in Takshila in 700 BC** and the University of Nalanda was built in the 4th century BC dominated by Indian scholars like Charaka and Sushruta, Aryabhata, Chanakya, Patanjali etc. made seminal contribution to world knowledge in diverse fields as mathematics, astronomy, physics, chemistry, medical science and surgery, etc.
- During the freedom struggle, several leaders like Gokhale, Ram Mohan Roy and Mahatma Gandhi worked for better education for our people, particularly women. Indigenous model of education was a major component of Gandhi's conception of Swaraj and Swadeshi.
- **Post-Independence**, the importance of education as a precondition for development was very well recognized by the leadership.



Plutus IAS

## Pre-Schooling level :Issues and Challenges

- Early childhood is a very important period of life when the foundations are laid for cumulative lifelong learning and human development.
- **Rapid urbanisation**, rise in nuclear family and breaking of Joint Family forcing many parents to send their children to preschool.
- **Role of State** - Early childhood Care and Education up to the age of 6 doesn't form part of the formal education under Central or State governments. In addition, this vacuum has been partly filled by schools and pre-schools which have mushroomed in the private sector without adequate regulation.
- Pre-schooling has mostly tended to **emphasize on a universal or one-size-fits-all** approach - approach to schooling without taking into consideration different demands of children. **Also**
- **pre-schooling has become a platform for admission into prestigious school rather than a platform for learning.**
- **Lack of resources and absence of a universal curriculum**

## ASER 2019 report

ASER 2019 survey by NGO Pratham was focused on Early childhood education. Its Key findings include:

- **Status of Pre-school and school enrolment patterns among young children (age 4-8):** More than 90% of young children in this age group are enrolled in some type of educational institution.
- **Status of Children in early primary grades (Std I-III):** The variation in age distribution which is widest in Std I, decreases in each subsequent grade. And older children continue to do better than younger ones on every task.
- **Private schools performing better than the Government schools:** They have a learning advantage on all the crucial factors, such as, age distribution in grade one, home factors such as affluence, mother's education and some baseline abilities that children enter grade one with. They expose children to school-like curricula even before they have entered school.
- **Role of Mother's education:** Among the pre-primary section, children with mothers who completed eight or fewer years of schooling are more likely to be attending anganwadis or government pre-primary classes. Whereas their peers whose mothers studied beyond the elementary stage are more likely to be enrolled in private LKG/UKG classes.

# Solutions

- Early childhood care and education for children from 4-5 years of age should be declared as a right within the purview of Right to Education Act, 2008.
- There is a need to introduce a new education component in Anganwadi practices, to ensure that the pre-school children are exposed to elementary education.
- NCERT and SCERTs should formulate curricular framework for pre-primary education apart from conducting intensive training programs for teachers to orient them with handling of pre-school children.

## Primary level: Issues and Challenges

- Out of School Children - As per official record, over 92 lakh children still remain out of schools.
- **High Dropout** and Low Attendance
- Poor Learning Outcomes - Corroborated by Annual Status of Education Survey
- Absence of basic facilities
- Absence of support outside Schooling
- Inadequate support for vulnerable sections like women, tribals etc.
- Rising cost of education because of mushrooming of private schools

## Solutions

- There is a need to amend RTE Act, to provide for norms for learning outcomes which directly affect quality of education.
- There is a need to restore detention policy under RTE especially at the upper primary stage along with provisions for remedial coaching and offering of at least two extra chances to move to a higher class.
- There is a need to use technology to help slow learners to make up for lost ground.

## Secondary level : Issues and Challenges

- **Access to schooling** - States are mainly responsible for provision of education at secondary level and ensuring quality of education with the Central government playing only a marginal role.
- **High dropout rates** - Secondary education reflects a very high level of dropouts especially for vulnerable groups because of poverty, social restrictions or lack of belief in usefulness of education
- **Curriculum** - It has negligible or no emphasis on IT and vocational areas.
- **Poor linkage with higher education** - Secondary level education has failed to prepare students for higher education w.r.t skills or values. As a result there is mushrooming of coaching institutions and skewed selection of courses for higher education.

# Solutions

- There is a need to gradually extend provision of RTE to cover secondary education.
- There is a need to scale up the existing National Skills Qualification Framework to include more students.
- There is also a need to in-line choice of vocational courses in accordance with local opportunities and resources.

## Higher level: Issues, Challenges

- **Enrolment and Equity** - GER continues to hover around 25% which is low in comparison to other countries at similar level. In addition, there is no equity in GER among different sects of the society.
- **Regulation** - Regulators like MCI, UGC, AICTE continue to be marked by inadequate financial and human resources, nepotism, corruption and favouritism.
- **Political interference** - Higher education is fast emerging as a lucrative business and a number of education institutions have cropped up which are owned by political leaders. In addition, there is a growing political interference in running educational institution as seen in the case of Delhi University.

- Resources - Both financial as well as human
- Employability - According to a survey done by Aspiring Minds (Employment solutions company), only 7% of engineering graduates employable.
- Inadequate emphasis on R&D and collaboration with Industries

# Solutions

- There is a need for regulatory overhaul in apart from streamlining the financing of higher education sector.
- Also, there is a need to reform the process of recruitment, opportunities etc. for teachers. There is a need to introduce performance-based incentives on a objective criteria to rate and promote teachers.
- Finally, there is a need to also reform the accreditation institutions, their methodology and

# Stakeholders in Education – Issues, Challenges & Solutions

## Parents: Urban Families-

- Lack of time spent with children leads to communication gap/generation-gap.
- Forced decisions on career choices/selection of stream after 10th Boards, etc.
- Passing of the pressure to children for high grades.
- **High income families resort to too much donations** to get their child admitted in elite schools rather than emphasizing upon them the real value and essence of education e.g. parents supporting fake degrees, cheating

## Rural Families-

- Education is seen merely as a means to get the label of a degree.
- High dropout rates because of unaffordable fees and lack of awareness about welfare schemes.
- Transportation or commutation for girls a major hurdle to give them access to education.
- Medium of instruction also becomes a hurdle.
- Caste based discrimination
- Huge and wide gap between parent's education and the environment they get in schools.
- There is a need to convince parents of first generation students about the value and importance of education

# Students: Issues & Challenges

- Heightened expectations and pressure from family to become part of rat race - competition, admission in colleges, good grades in board exams, etc.
- Mass copying and use of unfair means to pass exams.
- Lack of critical enquiry abilities, capacity to think clearly, rationally and engage in reflective, independent and deep thinking.
- Influence of media - films, internet, and computer games, etc.
- Mental disorders - depression, attention deficit disorder, anxiety, addiction, etc.
- Crimes like stealing, sexual assault, intolerance towards teachers, etc.
- Disconnect with family because of too much time spent on internet, with friends, etc.

# Teachers

## Issues & Challenges

- While teacher education institutes churn out a large number of candidates with a Bachelor's and Master's in education, the quality of teacher education has not been assured. As per the Right to Education (RTE) Act, a teacher appointed in schools should have passed the teacher eligibility test (TET) conducted by the relevant government body.
- In institutions of higher education, passing the National Eligibility Test (NET)/State Level Eligibility test (SLET) has been the minimum eligibility criterion for teaching.
- In 2015, **only 13.53 per cent candidates who sat for the Central Teacher Eligibility Test (CTET) qualified.** A primary reason for this is inadequate accreditation and grading process followed by NCTE in the past

# Expenditure on Education

1. At present, allocations to the education sector by the centre and states remains **close to 3 % of GDP**, while according to the World Bank, the world average in this regard is 4.7 % of GDP.
2. Developing countries like South Africa and Brazil spend about 5.8% whereas neighboring Bhutan spends more than 7% of its GDP on education.
3. According to World Bank o countries like Norway, Sweden and Finland spend an average 7.5% of GDP on education.
4. US, UK, France, Germany and Australia spend between 5 to 6 percent.

- At the higher educational level, the pass percentage in the UGC-NET exams is also low, where only 6 per cent candidates qualify.
- Besides, the quality of PhDs in several institutions does not rise to the required standard.
- While only about 20 per cent of school teachers are still professionally untrained, only 14.9 per cent teachers received in-service training for elementary education in 2015-16 even though the Sarva Shiksha Abhiyan (SSA) has a provision of 20 days of in-service training for all teachers.
- Education is no longer seen as a service to transform students' future but as a profession.
- In many cases, entry into the teaching profession is out of compulsion rather than choice esp for women as its seen as a 'pink collared job', chances of good marriage proposals increase, etc.
- Usage of mechanical/outmoded techniques and lack of innovative methods to teach

- Overburdening and involvement of teachers in other non-teaching tasks.
- Low pay scale, especially in private institutions, compared to workload leading to disinterestedness. Also, lack of incentive to work harder and improve. Hence, little zeal or enthusiasm for teaching.
- No teachers' accountability and system of feedback from the students.

# Solutions

- **Need for sensitivity/emotional intelligence:** Teachers need to factor in the socio- economic backgrounds of children, for instance a hungry or an abused child will not be able to learn effectively. Programmes must guide teachers on how to nurture and develop this set of children. The more a teacher knows about a student, the better they will be able to support their learning and progress.
- Teachers need to be made more accountable through enhanced involvement of the school management committees.

- Recognising the need for supportive supervision and incentives to ensure teacher performance and accountability, as well as use of technology to monitor teacher attendance and curb absenteeism.
- Need for acquaintance with best practices practiced across India and world and adaptation of newer techniques for better absorption and assimilation of knowledge by students

# Institutions

## Issues & Challenges

### Access and Equity

- **Commercialisation of Education** – Schools and Colleges have become money making institutions rather than providing quality education. E.g. capitation fees, excessive fee hikes, additional costs for uniform, books, etc.
- The poor, despite the subsidies, still find education unaffordable and are often forced to drop out. Schools regularly flout rules such as 25% reservation for the Economically Weaker Section (EWS) / Disadvantaged Groups (DG) in private non-aided schools.
- Distortion of welfare schemes such as MidDay Meal by asking parents to pay for meals.

- Issue of fake income and caste certificates leaves out the intended beneficiaries of government initiatives.
- Child labour, migration, child marriage are others barriers to education
- Lack of transparency and fairness in admission process and absence of grievance redress mechanisms are obstacles to proper implementation of the Right to Education Act.

## Quality

- Lack of Infrastructure – lack of facilities such as drinking water, toilets, etc; overcrowded classrooms and improper construction of classrooms/schools (inadequate ventilation and lighting); lack of open spaces, greenery and playgrounds for students.
- Poorly trained faculty, large vacancies and absenteeism especially in public institutions.
- Overburdening of students with homework.

- Lack of secure environment provided to the children – security breaches leading to rapes, murder of children etc.
- Inadequate internships, quality of teaching and insufficient exposure to technologies such as Internet of Things, Artificial Intelligence and Industry 4.0
- Lack of diversity in streams chosen - Only 10 Programmes out of approximately 180 cover 83% of the total students enrolled in higher education. (AISHE)

• Despite high enrolment, learning outcomes are low as seen in the Annual Status of Education Report – (ASER). For example, about 25% of 14-18 age group cannot read basic text fluently in their own language.

PlusIAS

## Solutions to improve quality issue in education

- *Leveraging technology:* There is a need to increasingly employ latest technologies in the field of education for enhancing the learning outcomes as well as making the teaching process easier and more enjoyable for the students.
- Several initiatives by NGOs, like Azim Premji Foundation and Digital Studyhall, and corporations like ILFS, Educom, Intel, Medialabs, have taken lead in content creation, teacher training and classroom learning.
- Tie-ups between foreign and Indian institutes can be explored to provide expertise and faculty for teaching, curriculum building, and organizing student and teacher exchange programs.

# Curriculum

- Emphasis on memorizing factual information instead of applied knowledge.
- Need for multidisciplinary – There is need for a shift from traditional single subject focussed education towards combining multiple disciplines to address real world problems and solve complex societal and business challenges.
- Restructuring of examination system Bringing an end to similar assignments and exams each term which leads to plagiarism/cheating specially in this age of free access to information. Students need to be taught ethics and academic integrity as well.
- Significant changes in India's academic culture are required to ensure that meritocracy operates at all levels.

## Language and Culture in Education

- The importance of early education in mother tongue and knowledge about indigenous culture has been conclusively proved to be very beneficial for better development of a human being.
- However, Indian record in this case has been very discouraging.
- In spite of provisions in constitution and corroboration by several committees on education, India has done very little to implement the issues.
- *Issues* - Poor training of teachers; Lack of resources like books and study material; Inadequate funds etc.
- Some of the **steps** in this regard must include - Provision for education upto Class V in mother tongue, local or regional language; Indian culture, local and traditional knowledge should be given adequate space in the school education.

# **New Education Policy, 2020**

- Union Cabinet has approved the New Education Policy (NEP) 2020. This policy will replace the 34-year-old National Policy on Education (NPE), 1986.
- **Subramaniam report**

## **Early Childhood Care and Education (ECCE)**

- **Universal Access to ECCE for children of 3-6 years**
- ECCE will be delivered through **Anganwadis and pre-schools** that will have teachers and Anganwadi workers trained in the ECCE pedagogy and curriculum.
- **Pre-school sections covering at least one year** of early childhood care and education will be **added to Kendriya Vidyalayas** and other primary schools, particularly in disadvantaged areas.
- **NCERT will develop a National Curricular and Pedagogical Framework** for ECCE for children up to the age of 8
- Implementation to be jointly carried out by Ministries of HRD, Women and **Child Development (WCD)**, Health and Family Welfare (HFW), and **Tribal Affairs**.

## Attainment of Foundational Literacy and Numeracy

**National Mission on Foundational Literacy and Numeracy by MHRD:** States/UTs will prepare an implementation plan for attaining universal foundational literacy and numeracy in all primary schools for all learners by grade 3 by 2025.

- **National Book Promotion Policy** is to be formulated to ensure the availability, accessibility, quality, and readership of books across geographies, languages, levels, and genres.
- **National Repository of high-quality resources** on foundational literacy and numeracy will be made available on the Digital Infrastructure for Knowledge Sharing (DIKSHA).

## **Curtailing Dropout Rates and Ensuring Universal Access to Education at All Level**

- Providing effective and sufficient infrastructure so that all students have access to safe and engaging school education.
- **Open and Distance Learning (ODL)** Programmes offered by the National Institute of Open Schooling (NIOS) and State Open Schools will be expanded and strengthened with special emphasis on SocioEconomically Disadvantaged Groups (SEDGs).
- Tracking students as well as their learning levels through counsellors or well-trained social workers.

## **Curriculum and Pedagogy**

- **Restructuring school curriculum and pedagogy in a new 5+3+3+4 design**
- **5 years of the Foundational Stage (covering ages 3-8):**
- 3 years of Anganwadi/pre-school + 2 years in primary school in Grades 1-2
- 3 years of the Preparatory Stage (covering ages 8-11): Grades 3, 4, 5.
- 3 years of the Middle Stage (covering ages 11-14): Grades 6, 7, 8.
- 4 years of the High Stage (covering ages 14-18): Grades 9, 10, 11, 12.
- Reduced curriculum content to its core essentials to enhance essential learning and critical thinking.

- Experiential learning will be adopted in all stages, including hands-on learning, arts-integrated and sports-integrated education.
- Freedom of choosing a variety of subject-combination: no rigid separation among 'curricular', 'extracurricular', or 'co-curricular', among 'arts', 'humanities', and 'sciences', or between 'vocational' or 'academic' streams.
- Introduction of contemporary subjects such as Artificial Intelligence, Design Thinking, Holistic Health, Organic Living, Environmental Education, Global Citizenship Education (GCED), etc.
- Vocational education through 10-day bagless period sometime during Grades 6-8 where students will intern with local vocational experts such as carpenters, gardeners, potters, artists, etc.
- National Curricular Framework for School Education will be developed by the NCERT

## **Student Assessment**

- School examinations in Grades 3, 5, and 8 which will be conducted by the appropriate authority.
- Board exams for Grades 10 and 12 will be continued but **redesigned**.
- National Assessment Centre, **PARAKH** (Performance Assessment, Review, and Analysis of Knowledge for Holistic Development), will be set up as a standard-setting body under MHRD.
- Holistic Progress Card with 360-degree,

- multidimensional report that reflects the progress as well as the uniqueness of each learner in the cognitive, affective, and psychomotor domains.
- **National Testing Agency (NTA)** to serve as an autonomous testing organization to conduct entrance examinations for undergraduate and graduate admissions and fellowships in higher education institutions.

## Multilingualism and the power of language

- Medium of instruction up till grade 5, and preferably till Grade 8 and beyond, will be **home language/ mother-tongue/ local language**.
- ‘The Languages of India’ a fun project/ activity on to be taken by every student under the ‘**Ek Bharat Shrestha Bharat**’ initiative.
- Three languages formula with greater flexibility.
- All classical languages (Sanskrit, Tamil, Telugu, Kannada, Malayalam, Odia) will be widely available in schools as options. In addition, **Pali, Persian, and Prakrit will also be widely available** as options.
- Indian Sign Language (**ISL**) will be standardized across the country.

**Equitable and Inclusive Education Provisions for Socio-Economically Disadvantaged groups -SEDGs**

- Setting up of Gender Inclusion Fund for female and transgender students
- Areas having large populations from SEDGs to be declared as Special Education Zones (SEZs).
- Children with disabilities will be enabled to fully participate in the regular schooling process from the foundational stage to higher education.
- Every state/district will be encouraged to establish “Bal Bhavans” as a special daytime boarding school, to participate in art-related, career-related, and play-related activities.
- Special mechanisms for children belonging to tribal groups to receive quality education
- Fee waivers and scholarships will be offered to meritorious students from all SEDGs
- Setting-up of additional JNVs and KVs in aspirational districts/SEZs

## **Robust Teacher Education and Recruitment**

- New and comprehensive National Curriculum Framework for Teacher Education (by 2021)
- By 2030, the minimum degree qualification for teaching will be a 4-year integrated B.Ed. degree.
- Setting-up of National Mission for Mentoring with a large pool of outstanding senior/retired faculty
- Teacher Eligibility Tests (TETs) for all teachers across Foundational, Preparatory, Middle and Secondary stage in both public and private schools.

- More autonomy to teachers in choosing aspects of pedagogy in classroom teaching
- National Professional Standards for Teachers (NPST) will be developed by the National Council for Teacher Education by 2022.
- National Council for Teacher Education (NCTE) to be restructured as a Professional Standard Setting Body (PSSB) under General Education Council (GEC).

## **School governance**

- Schools can be organized into complexes or clusters which will be the basic unit of governance and ensure availability of all resources including a strong professional teacher community.
- Schools will develop School Development Plans (SDPs). These plans will then become the basis for the creation of School Complex/Cluster Development Plans (SCDPs)
- The twinning/pairing of one public school with one private school will be adopted across the country, so that such paired schools may learn from each other, and also share resources, if possible.

## **Standard-setting and Accreditation for School Education**

- Clear, separate systems for policy making, regulation, operations and academic matters.
- Independent State School Standards Authority (SSSA) to be set up by States/UTs.
- School Quality Assessment and Accreditation Framework (SQAAF) to be developed by SCERT.
- Public and private schools (except the schools that are managed/aided/controlled by the Central government) will be assessed and accredited on the same criteria.
- For a periodic 'health check-up' of the overall system, a sample-based National Achievement Survey (NAS) of student learning levels will be carried out by the proposed new National Assessment Centre,

# Higher Education

Plutus IAS

# I institutional Restructuring & Consolidation

- All higher education institutions to be consolidated into three types of institutions:
- Research Universities - equal focus on research and teaching
- Teaching Universities - primary focus on teaching with significant focus on research
- Autonomous degree-granting colleges - almost exclusive focus on teaching
- Affiliation of colleges is to be phased out in 15 years and a stage-wise mechanism is to be established for granting graded autonomy to colleges.
- Over a period of time, it is envisaged that every college would

- develop into either an Autonomous degree-granting College, or a constituent college of a university.
- By 2040, all higher education institutions (HEIs) shall aim to become multidisciplinary institutions.
- There shall, by 2030, be at least one large multidisciplinary HEI in or near every district.
- The aim will be to increase the Gross Enrolment Ratio in higher education including vocational education from 26.3% (2018) to 50% by 2035.

# Holistic Multidisciplinary Education

- The policy envisages undergraduate education with flexible curricula, creative combinations of subjects, integration of vocational education and multiple entry and exit points with appropriate certification.
- An Academic Bank of Credit is to be established for digitally storing academic credits earned from different HEIs so that these can be transferred and counted towards final degree earned.
-

- Multidisciplinary Education and Research Universities (MERUs), at par with IITs, IIMs, to be set up as models of best multidisciplinary education of global standards.
- The National Research Foundation will be created as an apex body for fostering a strong research culture and building research capacity across higher education.

## Internationalization of HEIs

- Internationally relevant curricula, meaningful opportunities for social engagement, quality residential facilities and on-campus support, etc.
- An International Students Office at each HEI hosting foreign students to support students arriving from abroad.
- High performing Indian universities will be encouraged to set up campuses in other countries, and similarly, selected universities e.g., those from among the top 100 universities in the world

## Equity and Inclusion

### Steps to be taken by Governments

- Earmark suitable Government funds for the education of SEDGs
- Set clear targets for higher GER for SEDGs
- Enhance gender balance in admissions to HEIs
- Enhance access by establishing more high-quality HEIs in aspirational districts and Special Education Zones containing larger numbers of SEDGs
- Steps to be taken by all HEIs
- Mitigate opportunity costs and fees for pursuing higher education

- Provide more financial assistance and scholarships to SEDGs
- Make curriculum more inclusive
- Ensure sensitization of faculty, counsellor, and students on gender-identity issue
- Strictly enforce all no-discrimination and anti-harassment rules
- Research collaboration and student exchanges between Indian institutions and global institutions will be promoted.
- Credits acquired in foreign universities will be permitted, where appropriate as per the requirements of each HEI, to be counted for the award of a degree.

# RTE

The Right of Children to Free and Compulsory Education (RTE) Act, 2009 was enacted to implement provision under Article 21A.

PlusIAS

# Main provisions

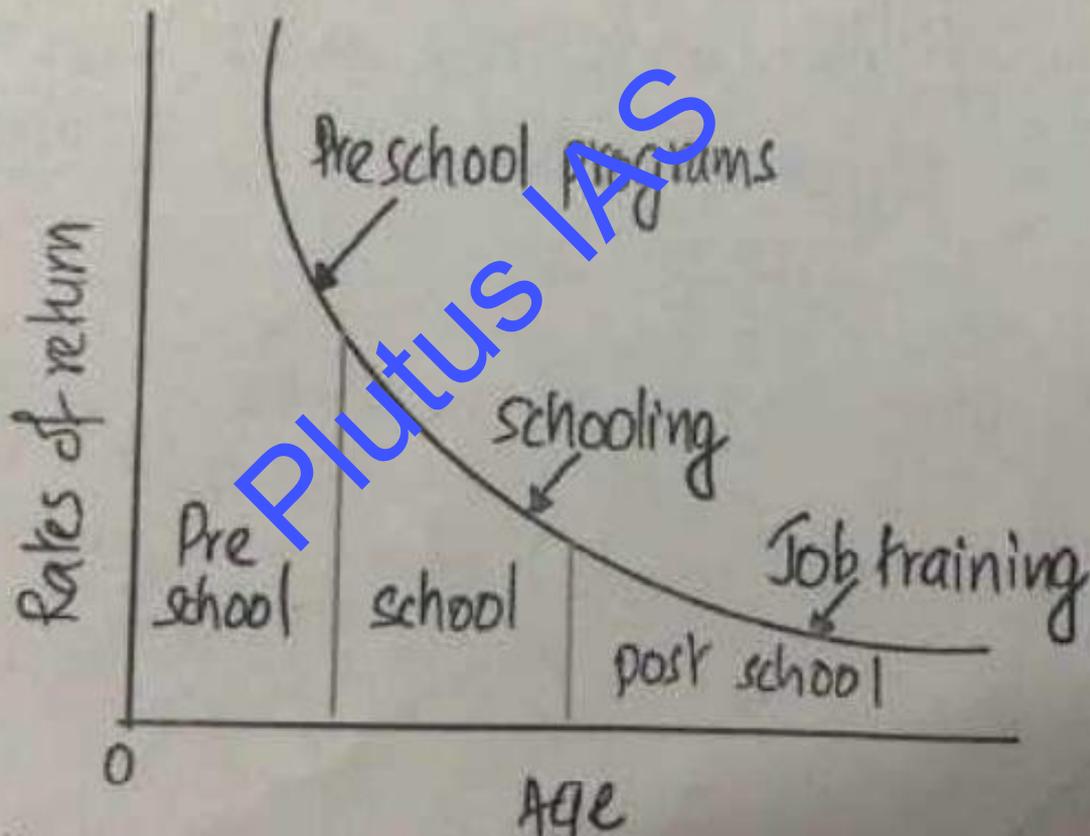
1. The Act provides for **free and compulsory education** to all children of the age of six to fourteen years.

.It specifies the **duties and responsibilities of appropriate governments**, local authorities, parents, schools and teachers in providing free and compulsory education.

.It specifies the sharing of financial responsibilities between the Central and State Governments.

# → Primary Education

## Rates of return to human capital investment



.It provides for maintaining specified pupil-teacher ratio, development of a curriculum in consonance with the values enshrined in the constitution.

.It established National and State Commissions for Protection of Child Rights, (NCPCR) which shall have the powers of a civil court and provides for the establishment of a National Advisory Council (NAC) to advise the respective governments on implementation of the provisions of the Act in an effective manner.

## Challenges in the RTE act

- .The act allows only children between the ages 6-14 to get the privileges. It leaves out younger kids (0-6) and older one (14-18) despite the fact that India has signed the U.N. charter which states clearly that free education should be made compulsory to all children up to the age of 18 years.
- .Children with special needs (CWSN) left out of the RTE bill. According to the 2014 National Survey of Out of School Children Report, about 6 lakh (28%) special-needs children between six and 13 years of age are out of school.
- .25% Reservation of seats in unaided private schools is not being enforced properly in many seats. The records of the 25% children are not kept by the school.
- .No focus on Quality of learning; the RTE Act appears mostly input oriented. The bill guarantees for the admission of the children, but does not promise

## 5. Not Enough Trained Teachers.

.School management committee (SMCs) with 75% of its strength from among parents or guardians of children are non-starters because of lack of interest and time of parents. They also burden poor parents.

.The way the RTE Act is structured both the State and Central governments are involved. This makes fixing accountability difficult. Further, there are no prescribed penalties if the government authorities fail in discharging their respective duties.

.Minority Religious Schools are out of the purview of RTE. These institutions only impart religious education and are mostly attended by kids from the deprived sections – they are the ones who need quality education the most.

## Ways to strengthen the act

- . There is a need to create greater awareness at the community level to implement various provisions of the RTE Act. When a community is more aware of provisions, they will be able to claim what is due to them.
- . Effective implementation of existing provisions of the RTE Act is required and engagement of civil society may be further strengthened to make it more effective.
- . Minimum pupil-teacher ratio should be maintained in each school as per the provisions. This will be possible by recruiting more qualified and trained teachers. Advocacy needs to be done by which states should ensure all sanctioned posts of teachers are filled up immediately to achieve targets.
- . Enough funds should be allocated to develop infrastructural facilities in schools. Minimum education spending of 6% need to be ensured.

. Though the RTE Act has a provision for including overage children in its ambit, in reality this is not happening. Hence proper groundwork needs to be initiated with the help of civil society to meet targets.

. RTE's biggest drawback is its heavy focus on inputs while effectively ignoring outputs. The RTE has a debilitating impact on budget-private schools which catered to a large number of poor students.

## **No detention policy (NDP)**

.The low standards of learning outcome have been a constant feature of the **ASER reports**. In recent years, cities like Delhi, Chandigarh and Nagpur have also witnessed a rise in number of students failing in Class IX exams.

.NDP was implemented with an idea to reduce the dropout rates, especially of the vulnerable section.

## Pros of NDP

- .The criticisms carry the assumption that students can only learn under the threat of failure which is not always true.
- .Failure of children especially for children from low income families implies dropping out. The no detention clause in the RTE Act seeks to address that concern.
- .As per **Geeta Bhukkal Committee**, there is no research anywhere in the world which establishes that repeating a year helps children perform better.
- .Several researches have pointed out that repeating has adverse academic and social effects on children.
- .Failures in implementation are being conflated with failure of policy. The CCE has failed to take off in most schools, owing to lack of basic capacity and awareness.

## Criticism of NDP

- .NDP has been responsible for deterioration in learning standards. As per the ASER report, in 2010, 53.7 percent of standard V students in rural India could read standard II level text. By 2016, this had fallen to 47.8 percent.
- .There being no risk of failing, students develop lackadaisical attitude towards studying.3. It is said that this system does not distinguish between good hardworking students and the others.
- .A survey in 2015 indicated that nearly 20% of all teachers had not even heard of the CCE and where they had heard of evaluation they did not receive adequate manuals or training.
- .Without adequate checks, assessments or measurements, teachers were found to be slacking off. Overall, the no-detention policy has caused a severe deterioration in learning outcomes.

## Way forward

- .Attacking NDP for falling education standards conflates failure in implementation with failure of policy. CCE has failed to take off because of lack of awareness, capacity and overburdened classrooms.
- .The poor learning outcomes of schools are caused by many factors such as poor student teacher ratio, lack of training of teachers, monitoring, availability of basic infrastructure, school and home environment, etc. Government can't implement only the no detention in letter and spirit and not adhere to other parameters.
- .Bringing back the old pass-fail system without making proper course correction in other areas will undermine the egalitarian promise of the

.At the same time, to give sufficient time to all the stakeholders to understand the policy, the NDP should be implemented in a phased manner so that all stakeholders understand what it entails instead of interpreting it as zero assessment.

.There can be many other coherent methods to increase the enrolment rate and contract the drop-out rates. Scholarships, fiscal incentives to the parent, awareness drives are some of the plausible options that the state can choose.

# Security Issues & Challenges

## Areas of Security of children in schools

### Physical Safety

- The buildings should be built to ensure "life safety", and be more resilient to hazards
- School administration, staff, teachers as well as students need to be better aware and prepared to respond to any catastrophe, natural or man-made
- The schools must leverage low cost and environment-friendly technologies without compromising on structural soundness and safety of the buildings

- Children who are victims of violence show continuous symptoms of depression, dissociative reactions, feelings of helplessness, lack of emotional intelligence, and aggression
- Installing CCTV cameras at strategic locations across school premises would ensure that a child's day-to-day life in school is constantly being monitored and recorded.
- The security cameras can be effective in school safety investigations, or even act as deterrents to such behaviour.
- The schools must be vigilant and constantly be on the lookout for any forms of child abuse, whether physical, emotional, or sexual. The staff should be trained to understand key indicators of child abuse, and be prepared to respond instantly to inappropriate or harmful behaviour.
- The policy framing process of schools must follow the prevention, preparedness, response, and recovery (PPRR) model of risk management

## School transportation and safety

- In 2014, CBSE made it mandatory for all school buses to install GPS systems to ensure safe transportation of children to and from schools
- However, the actual need of the hour is to provide the school administration with an easy-to-use system to ensure safety of children and fleet management in real-time, and provide parents with constant updates of their children's whereabouts
- With GPS integration, the performance of the driver can be gauged, while the live vehicle tracking app assures the parents of their child's safety at all times.

## Background verification of staff

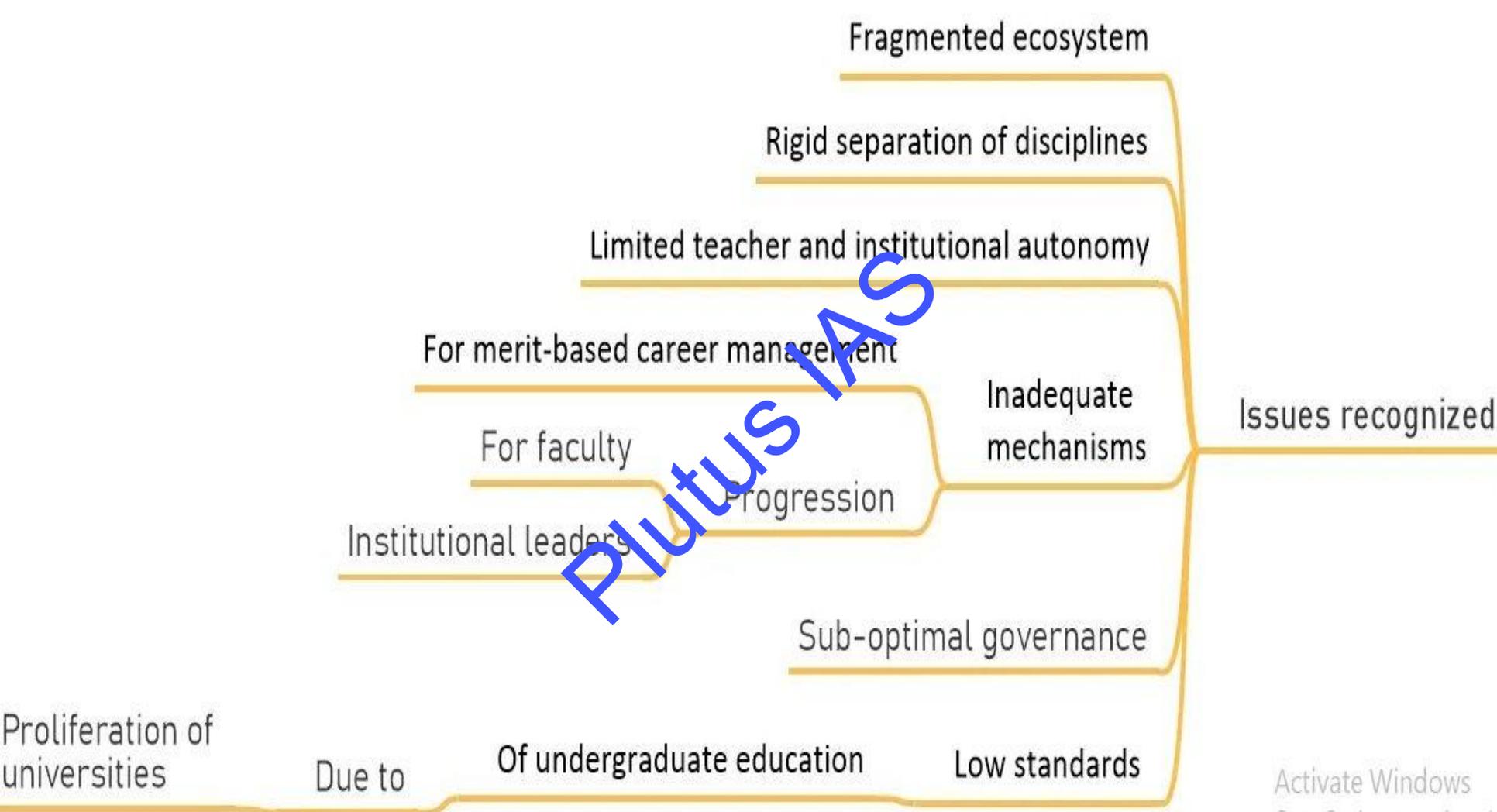
- When it comes to hiring teachers, administrators and other school staff, there are many good reasons to conduct pre-employment background checks for student safety.
- Verification should include place of residence, past employment, and checking for any past criminal records as well as ongoing criminal cases.
- This will help schools in screening people who come in contact with students within the school premises, including teachers, administrators, sports coaches, cleaning staff and

## Other Steps that can be taken for security of children

- Ensure that every part of the school is supervised by a teacher especially during break and sports. Corridor, Break and Sports grounds duties to be assigned separate from teaching duties
- Create a buddy system where children are paired up, or are in groups of three. They are responsible for knowing where their buddies are at any point of time, and preferably staying with them. It will also reduce in bullying incidents or atleast help in quick reporting.
- Awareness - educate children and make them aware of their own rights over their bodies, sex education in children-friendly and age-friendly manner.
- Include parents in the safety community. Share their tools of keeping children safe.
- Create an atmosphere of open communication within the school.

## International examples in the field of education

- Australia- Incentives to teachers taking rural hardship postings, 20-plus years of schooling
- Japan- Intense focus on academics starting at age 6 (low primary level drop-out rate of 0.2 percent)
- Finland- Mandatory 15-minute break for every hour of five-hour school day, No grades until fourth grade
- Netherlands- Teaching in languages other than Dutch for students to foster learning in all subjects, extra funding to poorer and ethnic minority students, primary schools with the highest proportion of disadvantaged students have about 58 percent more teachers and support staff.



Fragmented ecosystem

Rigid separation of disciplines

Limited teacher and institutional autonomy

For merit-based career management

For faculty

Progression

Institutional leaders

Inadequate mechanisms

Issues recognized

Sub-optimal governance

Proliferation of universities

Due to

Of undergraduate education

Low standards

PIUTUS IAS

# INTERNATIONAL INSTRUMENTS RELATED TO EDUCATION

## United Nations



Universal Declaration Of Human Rights, 1948



International Covenant on Economic, Social and Cultural Rights, 1966



Convention on the Rights of the child, 1989



UNESCO Convention against Discrimination in Education, 1960



UNESCO Convention on Technical and Vocational Education, 1989

## International Labour Organization



ILO Convention No. 138 on the minimum age for employment, 1973



ILO Convention No. 182 on Worst Forms of Child Labour, 1999



ILO Convention No. 169 concerning Indigenous and Tribal People in Independent Countries, 1989

## International Humanitarian Law



Geneva Convention III relative to the Treatment of Prisoners of War, 1949



Geneva Convention IV relative to the Protection of Civilian Persons in Time of War, 1949

Activate Windows

Go to Settings to activate Windows.

# ONLINE EDUCATION – Advantages & Disadvantages

## Advantages

- **Cheaper medium:** one can learn using any device connected to the Internet. There's no need to spend a lot of money renting a building, paying an expensive electricity bill, internet, etc.
- **Consumes less time:** there's no need to spend time commuting to and from the classroom, for both the teacher and the students. Also, the teacher/trainer doesn't need to give the same class over and over again to a different group of students.
- **Allows for self-paced learning:** students or trainees can take their courses anytime, anywhere. Using their own devices. Students who don't have time for regular classes can learn online whenever they do have time

## Disadvantages –

- **Ensures self-discipline:** although experience has shown that online students become more self-disciplined.
- **Plagiarism:** students may plagiarize essays and other assignments
- **Cheating:** it can be easier to cheat if you are taking an online exam.
- **isolation:** since one doesn't have to be physically present in a classroom in order to learn, it might be more difficult (or impossible) to get in touch with other learners.

# Advantages

- Flexibility to plan schedule
- Ease of Access
- More Affordable as online programs are cheaper.
- Solves teacher scarcity
- Environmentally friendly as it consumes less energy and it is a paperless learning method

## Disadvantages

- Weak Student Feedback
- Social Isolation and lack of communication skill development due to the absence of human communication.
- Requires strong self-motivation
- Cheating prevention during online assessments is complicated.

Activate Windows

Go to Settings to activate Windows

## Government Initiatives for Online Education

- **VidyaDaan 2.0:** It was launched due to the increasing requirement for e-learning content for students (both school and higher education) in the backdrop of COVID-19. VidyaDaan is national program, in which individuals (teachers, educationists, subject experts etc.) & organizations (schools etc.) can contribute to e-learning in the education domain.
- **200 new textbooks have been added to e-Paathshaala.** E-Paathshaala is a portal/app developed by NCERT. It hosts educational resources including textbooks, audio, video, periodicals, and a variety of other print and nonprint materials for teachers, students, parents, researchers and educators.
- **PRAGYATA guidelines on Digital Education** was released by Ministry of Education, along with Students Learning Enhancement Guidelines (prepared by NCERT) that addressed issues related to students with no or limited access to online and digital technologies.

- **Manodarpan:** It is an initiative for psychosocial support of teachers, students and their families with regard to their mental health and emotional wellbeing.
- **NISHTHA** (National Initiative for School Heads' and Teachers' Holistic Advancement) has been customized for online mode
- **12 new SWAYAM PRABHA DTH channels** were added to support and reach those who do not have access to the internet. Government has also tied-up with private DTH operators like Tata Sky, Airtel etc. to air educational video content in order to enhance the reach among

- **PM eVIDYA:** A programme for multi-mode access to digital/online education consisting of:
  - DIKSHA for school education in states/UTs. DIKSHA (Digital Infrastructure Knowledge Sharing) portal provides supplementary learning material for students and for upgrading the skills of teachers s (one nation, one digital platform).
  - One earmarked TV channel per class from 1 to 12 (one class, one channel)
  - Extensive use of Radio, Community radio and Podcasts
  - Special e-content for visually and hearing impaired.
  - Top 100 universities will be permitted to automatically start online courses

## Commissions and Committees related with Education over the years

- **University Education Commission (1948)** under chairmanship of Dr. S. Radhakrishnan – recommended to make **higher education accessible to all sections** of society.
- **Secondary Education Commission (1952)** chairmanship of Dr. A. Lakshmanaswami Mudaliar- proposed to **increase efficiency of production, diversification of high school courses**, establishment of multipurpose high schools, introducing a uniform pattern throughout India and recommended the setting up of technical schools.
- **Indian Education Commission (1964-66)** under the chairmanship of D. S. Kothari- recommended a comprehensive reconstruction based on three main aspects -a) Internal transformation b) Qualitative improvement and c) Expansion of educational facilities.

- **National Educational Policy of 1968** was formulated in accordance with the recommendations of the **Kothari Commission**. It recommended for - provision of **compulsory education to children in the 6-14 years age** group as proposed in the Indian Constitution
  - emphasis on regional languages in secondary schools
  - English had to be the medium of instruction in schools considered Hindi as the national language and promoted the development of Sanskrit
  - 6 percent of the national income be spent on education.
- **National Policy on Education (1986)** - provide education to all sections of society esp. SCs, STs, OBCs & women; provision of fellowships for the poor, imparting adult education, recruiting teachers from oppressed groups and also developing new schools and colleges; Providing primary education to students; education be given to rural people in consonance with the Gandhian philosophy; establishment of Open Universities; promotion of IT in education ; besides opening up the technical education sector in a rather big way to private enterprise.

- **National Policy on Education (1992)** - The Government of India had set up a commission under the chairmanship of **Acharaya Ramamurti in 1990** to reassess the impact of the provisions National Policy on Education, 1986. It recommended for
  - The setting up of Central Advisory Board of Education (**CABE**) as the highest advisory body to advise the Central and State Governments; focus on quality enhancement in education; stressed on developing moral values among students and bringing education closer to life.
- **T.S.R. Subramanian committee major recommendations – an Indian Education Service (IES) should be established** as an all India service; outlay on education should be raised to at least 6% of GDP; There should be minimum eligibility condition with 50% marks at graduate level for entry to existing B.Ed courses; Teacher Entrance Tests (TET) should be made compulsory for recruitment of all teachers; Compulsory licensing or certification for teachers in government and private schools should be made mandatory; Pre-school education for children in the age group of 4 to 5 years should be declared as a right; mid-day meal (MDM) program to be extended to secondary schools; Top 200 foreign universities should be allowed to open campuses in India

- **The central government has constituted Kasturirangan Commission (2017)** to draft a new education policy for India. Points to be focused on in the new education policy – Address key areas of concern – access and participation, quality, equity, research and development and financial commitment to education development.

Plus IAS

# Health:-

Health in ancient India was defined as physical, mental, emotional, spiritual and social wellbeing of an individual.

1. June 21st is every year celebrated as 'Yoga Day'.
2. India was declared as the Diabetes Capital of the world by International Diabetes Federation (IDF)

# INDIAN HEALTH CARE SYSTEM

PUBLIC

PRIVATE

Ministry of Health

Ministry of Defence

Ministry of Railways

For Profit

Non-Profit

State

Central

Dispensaries

Dispensaries

Multispecialty Hospitals

Charitable Trust dispensaries & Hospitals (Religious / Non-religious)

Rural

Urban

Base Hospitals

Hospitals

Speciality Hospitals

Non-Governmental Organization Run clinics & Outreach

Community Health Centers

Super Speciality / Referral Hospitals

Speciality Hospitals

Army Medical Colleges & Hospitals

Nursing Homes

Primary Health Centers

Special Disease Hospitals

Sub - Centers

District Hospitals

Accredited Social Health Activists

Government Medical Colleges

Employees' State Insurance Dispensaries & Hospitals

The Central Government Health Scheme

Medical College Hospitals

National Health Institutes/ Tertiary Hospitals

Ayurveda, Yoga & Naturopathy, Unani, Siddha & Homoeopathy

Taluk Hospitals

# Status of Health in India

- General Government expenditure on health as percentage of GDP in 2019-20 was 1.6%.
- Out-of-Pocket Expenditure (OOPE) as a percentage of Current Health Expenditure fell down to 58.7% in 2016-17
- About 14% of the rural population and 19% of the urban population had health expenditure coverage.
- between 1990 and 2018, life expectancy at birth increased by 11.6 years in India

# Child Health

- There has been an increase in **child marriages** in **Tripura** (40.1% from 33.1% in 2015-16), **Manipur** (16.3% from 13.7% in 2015-16) and **Assam** (31.8% from 30.8 % in 2015-16)

**Child nutrition indicators : Malnutrition:** it has worsened. Stunting has risen in 11 out of 18 states. Wasting was going up in 14 states.

- **Stunting:** 13 out of 22 states and UTs surveyed, recorded a rise in the percentage of stunting in children.
- **Wasted:** 12 out of 22 states and UTs surveyed, recorded a rise in the percentage of children under five years who are wasted in comparison to NFHS-4.
- **Overweight:** 20 states and UTs have recorded a rise in the percentage of children under 5 years who are overweight.
- **Diarrhoea:** Children with diarrhoea in the two weeks preceding the survey also jumped to 7.2% from 6.6%.

- As per estimates developed by the UN Inter-agency Group for Child Mortality Estimation Under-five mortality rate (U5MR) (deaths of children less than 5 years per 1,000 live births) has declined from 126 in 1990 to 34 in 2019
- Infant mortality rate (deaths of children less than 1 year per 1,000 live births) has declined from 89 in 1990 to 28 in 2019.
- Neonatal mortality rate (deaths of children within a month per 1,000 live births) has declined from 57 in 1990 to 22 in 2019..

## Maternal Health:

- **Institutional deliveries:** In rural areas, about 90% childbirths were institutional (in Government/private hospitals) and in urban areas it was about 96%.
- **Pre and Postnatal Care:** Among women in the age-group 15-49 years, about 97% of women took prenatal care and about 88% of women took postnatal care.
- **Maternal Mortality Rate (proportion of maternal deaths per 1,00,000 live births reported)** of India has declined from 130 in 2014-2016 to 122 in 2015-17. .

## Challenges in Health in India

- Inadequate Healthcare Personnel and Infrastructure
- India has 8.5 hospital beds per 10,000 citizens, one doctor for every 1,456 citizens (WHO's prescribed norm is 1:1000) and 1.7 nurses per 1,000 people (WHO's prescribed norm is 3:1000).
- This problem is even more acute for specialised doctors like cardiologists, psychiatrists etc.
- Availability of limited accredited diagnostic labs delays testing and consequent understanding of disease progression. o In addition, there is a clear rural-urban divide, regional divide, gender-divide etc. regarding healthcare facilities. For example: Urban areas command 73% of the public hospital beds, even when 69% of India's population resides in rural areas.

## Weak primary health care sector

- Expansion of public services has been inequitably distributed eg. there is one government hospital bed for every 614 people in Goa compared with one government hospital bed for every 8789 people in Bihar.
- India's doctor to population ratio remains dismal at less than 1 doctor per 1,000 population in spite of being a hub for medical tourism and an exporter of healthcare experts.
- An overwhelming 70% of healthcare expenses in India are met by out of pocket expenditure in spite of India being the Global Pharmacy of the World.

- Around 5 crore Indians are pushed into poverty because of healthcare expenses. o Recently 42 children died over two days at Gorakhpur; A case related to Dengue where the patient died was charged 16 lakh by Fortis, Gurgaon.
- These all reflect on the broken system from quality, quantity, footprint, access and affordability issues

- Inadequate Financing: o Government spending on healthcare in India remains at a dismal 1.28% of GDP which is less than 30% of total health spending. India's per capita expenditure is only Rs 3 per day on each citizen
- Apart from this, the funding pattern is skewed i.e. in favour of curative and communicable diseases. This despite the well established fact that expenditure on preventive healthcare is more favourable and noncommunicable diseases form 60% of India's health burden.

- Weak Regulatory Framework and Private Sector
- India's regulatory framework for health remains in shambles. The nodal agency i.e. Medical Council of India (MCI) has been marked by corruption, nepotism and favouritism.
- Apart from this, the recent cases of Fortis charging exuberant etc. only reflect on the dismal regulatory framework.
- Fragmented health information systems
- The systems of collecting data have many weaknesses like incomplete data gathering and non- inclusion of private sector in it means excluding the major health provider in India.

- **Denial of healthcare:** Private hospitals are reportedly denying treatments to the poor along with the cases of overcharging patients despite accounting for about 62 percent of the total hospital beds as well as ICU beds and almost 56 percent of the ventilators.
- This has been seen in Bihar, which has witnessed an almost complete withdrawal of the private health sector which has nearly twice the bed capacity of public sector.
- **Dysfunctional state of Integrated Disease Surveillance Programme (ISDP):** It was launched in 2004 to strengthen decentralized laboratory-based IT enabled disease surveillance system for epidemic prone diseases to monitor disease trends and to detect and respond to outbreaks in early rising phase through trained Rapid Response Team (RRTs). But it continues to struggle for manpower and resources and has failed to create a robust and decentralized data collection system involving the district health system across states

- Medical Education o While Indian-educated healthcare professionals are world renowned, medical education in India has been dismal.
- Most of the problems include nepotism, capitation fees, weak regulatory structure etc. Apart from these national exams like NEET have failed to take variation according to state into account.
- Negative perception of medical career: The stories of shortages of PPE leading to health workers getting infected, and health workers getting attacked by infuriated patients and relatives etc. may create a negative perception towards medical career in India in long run.

## Social Reasons

- Healthcare can't be seen in isolation but needs to be studied in a social context. The poor state of healthcare in India is also because of wide poverty, lack of gainful employment, ignorance, illiteracy, poor status of women, problem of open defecation and poor sanitation facilities.
- Discrimination on the basis of diseases is also a huge problem in Indian society esp in case of TB, leprosy, HIV/AIDS, etc
- For example, Diarrhoeal diseases which are closely linked to open defecation kill 1 lakh children under 11 months old in India each year.
- Status of Indigenous systems of While, there has been increasing emphasis on indigenous system of Yoga, Ayurveda etc., their supporting system for implementation remains weak.
- There is an absence of proper regulatory framework, certification benchmarking and research into these systems.

## Government policy and intervention

1. POSHAN Abhiyaan.

2. The Global Nutrition Report 2017 calls for nutrition to be placed at the heart of efforts to end poverty, fight disease, raise educational standards and tackle climate change.

3. Expand the safety net through ICDS to cover all vulnerable groups (children, adolescent girls, mothers, expectant women).

4. Fortify essential foods with appropriate nutrients (e.g., salt with iodine and/or iron).

5. Weekly Iron & Folic Acid supplementation, 2015 and bi-annual vitamin-A supplementation.

6. National Deworming Day, 2015. .

7. Village health & nutrition days (at Anganwadi centers).

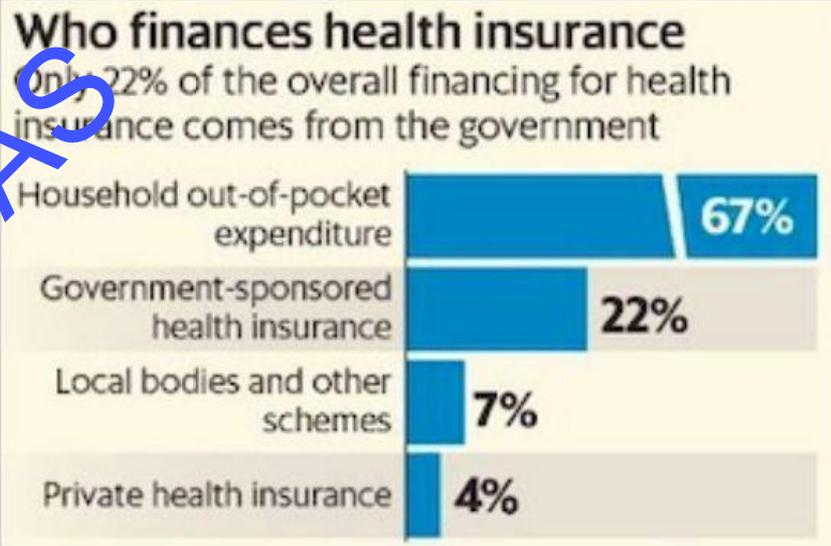
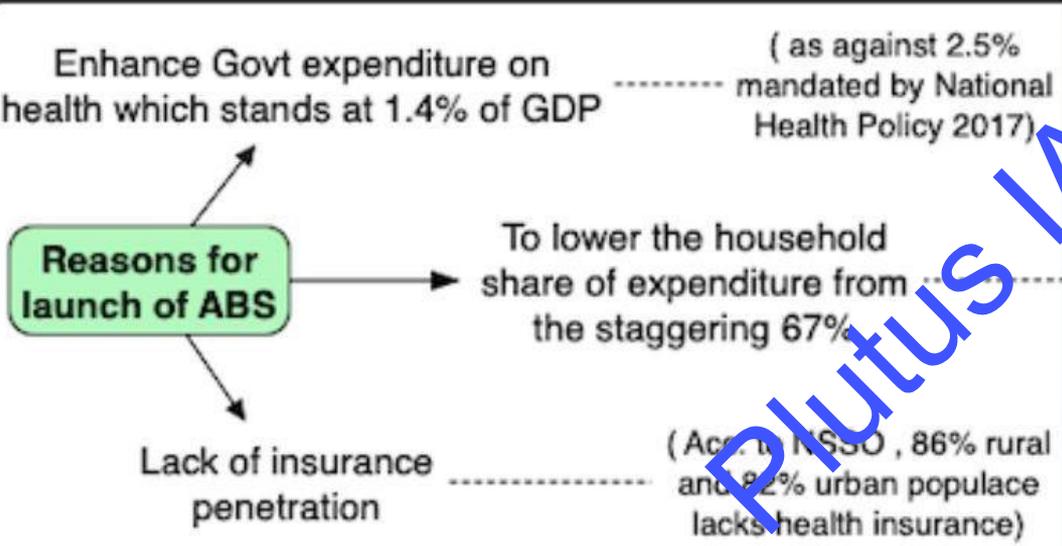
.Pradhan Mantri Jan Arogya Yojana (PMJAY), under Ayushman Bharat umbrella. Other element of Ayushman Bharat is Health and Wellness Centres. The scheme guarantees eligible families are covered for inpatient expenses of up to Rs 5 lakh per year.

.There is a commitment in the National Health Policy (NHP), 2016 to raise the percentage of GDP allocated to health from 1.2% today to 2.5% by 2022.

## Government Initiatives:

- **National Nutrition Mission:**
  - To rein in malnourishment and stunted growth.
  - NNM will address three aspects—the food that should be given to rein in **stunting, undernourishment, low birthweight and anaemia.**
- **Intensified Mission Indradhanush (IMI)** - accelerate full immunization coverage to more than 90% by December 2018.
- **Rashtriya Swasthya Bima Yojana** - government-run health insurance scheme for the BPL family (a unit of five).
- **LaQshya – Labour Room Quality Improvement Initiative** - aims to improve the quality of care that is being provided to the pregnant mother in the Labour Room and Maternity Operation Theatres.
- **Menstrual Hygiene for Adolescent Girls Scheme:** To address the need of menstrual hygiene among adolescent girls residing primarily in **rural areas.**

# Universal Health Coverage



### Component 1 : Health and wellness centres

1.5 lakh centres to be established as primary health care system

free medicines

diagnostic services

referral access to secondary and tertiary care

### Ayushman Bharat: In a nutshell

The main features of government's Ayushman Bharat scheme

- ▶ **100 million** family beneficiaries
- ▶ **₹5 lakh** cover per family
- ▶ Families identified based on socio-economic caste census **2011**
- ▶ Funded **60:40** by Centre and state
- ▶ To be merged with other state schemes
- ▶ Will be implemented through an insurance company or a trust/society or both
- ▶ Driven by strategic purchasing from private sector

cover secondary / tertiary healthcare hospitalisation

### Component 2 : National Health Protection Mission

services can be availed at all public hospitals and empaneled private health care facilities

## Forseeable challenges

There are many challenges that the scheme may face

- ▶ Enrolment of ghost beneficiaries
- ▶ Impersonation in connivance with cardholders and hospital
- ▶ Conversion of OPD patient into an IPD patient
- ▶ Deliberate blocking of higher priced package
- ▶ Treatment of diseases which a hospital is not equipped for
- ▶ Doctors performing unnecessary procedures
- ▶ Hospitals charging fees even though it's a cashless scheme

Reluctance of private hospitals

Pvt sector is unhappy with the rates fixed by govt for various services under the ABS

Quality Care

Only 3% of private hospitals are recognised by National Accreditation Board for Hospitals

Weak Primary Health Care Infrastructure

Success of ABS depends on how strong the PHC can be made

## Other Challenges in Ayushman Bharat

1. Funding allocated is just Rs. 2000 crore, which is grossly insufficient.
2. Disease coverage is not comprehensive.
3. Over-invoicing challenges. Doctors following unnecessary procedures. Conversion of an OPD patient into IPD in order to get insurance benefit.
4. Price-capping. Either people will be under treated or private sector will suffer losses.
5. Enrolment of fake beneficiaries and impersonation. .

## Way Ahead

The first-order priority should be to draw up a road map for **universal health coverage**, through continuous upgradation of the public sector infrastructure.

There is an urgent need to **strengthen publicly funded hospitals** to offer universal healthcare



It is essential to reduce the pressure on secondary and tertiary hospitals for expensive treatments by **investing in preventive and primary care facilities.**

**Increased public funding** combined with flexibility of financial transfers from centre to state can greatly improve the performance of state-operated public systems.

In addition to an increase in public expenditures on health, the Government of India will, however, need to introduce specific methods to contain **costs**, improve the **efficiency** of spending, increase **accountability**, and **monitor** the effect of expenditures on health.

## Need for Universal Health Coverage

- .Health is a human right, not a privilege. India is home to large number of acute and chronic diseases that needs to be treated soon. Universal health coverage leaves no one behind.
- .NSSO 2014 says that, in India, out of pocket health expenditure is greater than 70%. No one should be pushed into poverty when they get sick.
- .More than 90% of the people are employed in unorganised services who have no health care coverage and often have to bear 'catastrophic health expenditure'.
- .Good health transforms societies. It allows India to reap the human capital generated as an outcome greater proportion of (15- 60) age group.
- .Achieving UHC will accelerate efforts to end extreme poverty and realize all the Sustainable Development Goals. Good health and well being is SDG3.

## Steps that can be taken by GOI

- .Increase budgetary allocation for public health sector to 2.5% GDP to ensure medical infrastructure availability.
- .More stress on R&D to develop indigenous cheap medicines. Increase the number of Jan Aushadi stores to allow the people to avail generic medicines at low cost.
- .Collaborating with other countries and other organisations involved in healthcare sector in order to provide drugs at affordable prices. Ex: CEPI, GAVI.
- .Widen the ambit of health insurance subsidy schemes to allow the people to get benefits of insurance even in private hospitals.

.Private medical institutions are seen flouting the norms and also charge high fees. This makes them vulnerable to fall in the trap of corruption. It should be made compulsory for private hospitals to dedicate a part of their services to poor people as it was recently done in Delhi.

.Nine more AIIMS hospitals have been introduced in the country. Increase in medical colleges to increase availability of doctors.

.Community participation through social audits need to be there for checking collusion between doctors and contractors who supply faulty equipment.

.India's disease burden is not spread equally. 2/3rd of maternal, infant and under-five mortality is concentrated in less than 200 of the 670 districts. So, centre must decisively intervene with a differentially funded strategy.

.Tele-medicine can be a potent method to achieve health services and expert assistance.

.Delivering on swachh Bharat mission is critical for preventive health care in India. If it is done, there will be at least 20% less infections, diseases and expenditure.

.Licensing processes for hospitals, similar to the Certificate of need process in the US, which can help a regionally equitable distribution of hospitals by incentivising the setting up of facilities in poorly served areas.

.Bodies like the Medical Council of India (MCI) need to be revamped to meet human resource challenges.

## Challenges in UHC

1. Health spending in India has stagnated at 1.2% of the GDP. The draft National Health Policy 2015 envisages a minimum of 2.5% spending for adequate health services to be delivered.
2. There is a dearth of skilled doctors and nurses in the country. This is a direct result of lack of quality medical education institutions. According to Govt data, India has just one doctor for every 1,668 people. The WHO prescribes a doctor population ratio of 1:1000. 3. Private hospitals charge high prices for treatment. This lead to an increase in out-of-pocket expenditure of public thereby pushing many households into poverty.
4. There is no comprehensive program which provides for proper targeting of non-communicable diseases (NCDs) which share a major portion of disease burden in India.
5. MCI is plagued with corruption and as a decision making body has turned out to be quite inefficient.

## Nature of health spending in India

.Less budgetary support for the prevention and control of noncommunicable diseases.

.Focus on curative health-care rather than preventive healthcare. 3. Inequality in health spending between states.

.Less emphasis on infrastructure development in the health sector.

.Out-of-pocket cost is around 70 percent, which is alarmingly high when compared to other emerging nations.

## **National health policy 2017**

.NHP recognises the need for state intervention to control NCDs as they are reason for more than 60% death in India. Thus policy advocates pre-screening and sets the target to reduce premature-mortality via NCDs by 25% by 2025.

.It intends on enhancing public spending to 2.5 percent. It tries to mobilise resources through enhanced taxation on alcohol and tobacco, extractive industries, medical tourism and a special health cess, etc. Also, CSR can be used.

.The policy aims to regulate the private sector which provide over 2/3rd services today. It provides Tribunals for redressal of grievances and sets up National health care standards organisation (NHCSO) to lay down standards and protocol..

- .NHP seeks to invest in preventive health care. It establishes early screening and diagnosis centres. The policy advocates allocating 2/3rd of resources to primary care and assures comprehensive primary health care through the health and wellness centers.
- .It adopts a inter-sectoral approach involving various ministries such as MoEf, MoHWS, MoA, MoUD, MoHRD, MoWCD etc.
- .It aims at ensuring universal access to drugs and diagnostics. It aims at providing every family with a health card and establishes public health management cadre in all states. It also aims to provide at the district level most of the secondary care which are currently provided at a medical college hospital.
- .Establishment of National Digital Health Authority (NDHA) to regulate, develop and deploy digital health across the continuum of care.
- .It highlights AYUSH as a tool for effective prevention and therapy that is safe and cost effective. It proposes introducing Yoga in more schools and offices to promote good health. .

## **Lacunae in national health policy**

- .It leaves too much to the states on maintaining standards. Whether health should continue to be in the state list, or in the Concurrent List is not answered in the policy.
- 2. It does not speak about social determinants of health.
- .It does not talk of public health education (which is outside MCI mandate). It just talks about medical education, paramedical education etc.
- .Various progressive measures under Draft NHP 2015 such as Right to Health, increasing public spending by 2020 and imposing health cess have been ignored. Developing countries like Brazil and Thailand have made significant progress towards universal health coverage by making health as a fundamental right.

.Among the most glaring lacunae in the present context is the lack of capacity to use higher levels of public funding for health.

.Thus, to achieve SDG on health, i.e., health and well-being to all by 2030, there would be need for greater and stronger centre-state coordination and commitment for effective implementation..

PIUSIAS

# India's Achievements in Health Sector

## Generic Pharmacy of the World

- India's accounts for close to 10% of the global pharmaceutical industry in terms of volume. This number goes to 20% for generic-drug exports by volume. o The Indian pharmaceutical sector has many advantages - Low cost of land, labor, utilities and equipment; Favourable domestic laws etc.

## Medical Tourism

- It has been one of the highest source of foreign exchange for India owing to its relatively inexpensive healthcare systems, trained healthcare personnels, indigenous healthcare systems like Yoga, Naturopathy etc.
- As of 2015, Medical tourism is valued at at 3 billion USD and expected to reach 9 billion USD by 2020. o India is also one of the Exporter of Healthcare professionals.

## Cost effective solutions

- India has been hub for cost-effective solutions for medical issues.
- The Jaipur Foot was designed and developed in India by Ram Chandra Sharma in 1968. o India has also emerged as a hub for research and development in vaccines. More than 60% of the world's vaccines are being made by India.
- Recently, for the first time, a vaccine named Rotavac vaccine has been conceived and developed from scratch in India has been “pre-qualified” by the World Health Organisation.

**Major health indicators** have improved like India's MMR at 167(2011-13) has improved significantly from 212 (2007-09). Our Target is to reduce it to 100; Under 5 mortality rate has declined to 49/1000

## Best Practices in India

### Kerala and Tamil Nadu Model Insurance Model

- Globally acknowledged healthcare models, these have helped in better healthcare service at cheap and affordable cost.
- The burden of premium and primary health care is borne by the state, whereas the private participation is mostly restricted to tertiary healthcare services.
- Apart from these, Ardran Mission in Kerala is aimed at making government hospitals people-friendly by improving their basic infrastructure.

## Mohalla Clinics Model

- Mohalla Clinics are primary health centres in the state of New Delhi that offer a basic package of essential health services including medicines, diagnostics, and consultation free of cost
- These clinics serve as the first point of contact for the population, offer timely services, and reduce the load of referrals to secondary and tertiary health facilities in the state.

## Odisha e-Healthcare

- Started in 2009, Odisha telemedicine has set up 127 telemedicine centres and trained about 900 telemedicine technicians.
- It has collaboration agreements with several super-specialty hospitals in the country and has benefitted nearly five lakh patients in the State..

# .ASHA Health

## Workers

- Accredited Social Health Activists (ASHA) have emerged as a very fruitful model for preventive healthcare.
- Launched as a part of National Rural Health Mission, it led to reduced cost on healthcare, better health indicators like IMR and MMR.

PIUS IAS

# International Practices - Models of Healthcare – From which India can learn

**The Beveridge Model** - Great Britain, Spain, most of Scandinavia and New Zealand, etc  
o It named after William Beveridge, a social reformer who was responsible for designing Britain's National Health Service.

- In this, health care is provided and financed by the government through tax payments, just like the police force or the public library. o These systems tend to have low costs per capita but compromise on efficiency and effectiveness.

**The Bismarck Model** - Germany, France, Belgium, the Netherlands, Japan, Switzerland

- It uses an insurance system where insurers are called “sickness funds” - Usually financed jointly by employers and employees through payroll deduction. o The plan covers everybody and doesn't make any profit. o Owing to tight regulation, government has significant cost-control clout.

# The National Health Insurance Model - Systems in Canada, Taiwan and South Korea.

o This system has elements of both Beveridge and Bismarck.

- It uses private-sector providers, but payment comes from a government-run insurance program that every citizen pays into.
  - o Since there's no need for marketing, no financial motive to deny claims and no profit, these universal insurance programs tend to be cheaper and much simpler.

PlusIAS

# Way forward.

## Shift to Preventive healthcare

- India's health system continue to be guided by curative healthcare. There is a need to shift to preventive healthcare which is more inclusive, cheaper and offers a better life experience.

## Change in conception of Health

- There is a need to view health not as absence of illness but a state of well being. There is a need to shift from hospital-centred model of health.
- Thus, the value system needs to be re-oriented to inculcate importance of sports, right surroundings, right food, right sleep etc.

## Women as agency of health

- One of the major ways of reforming healthcare has been through agency of Women. Amartya Sen in his capability approach has highlighted how Women empowerment has led to significant improvements in fertility rates, IMR and MMR.

## Use of technology

- Information Technology can be a huge game changer in healthcare sector. New technologies like Big Data, Artificial Intelligence and Machine Learning can enable to strengthen and enhance the reach healthcare delivery.
- States like Odisha, Chhattisgarh etc. are now using telemedicine for strengthening healthcare delivery.
- India needs to put more emphasis in research and innovation especially in biotechnology which can enable the healthcare to be more affordable, available and accessible.

## **Use of SHGs, PRI and Strengthening of ANMs, ASHAs**

- There is a need to develop decentralized institutions like SHGs, PRIs for delivering health.
- Apart from that The ASHA, the Dai with traditional skills and modern hygiene, the re-skilled ANM and the ICDS workers, should be trained together to form a multi-skilled team at the village level.

## **Rejuvenating our indigenous systems**

- While there has been an increasing focus on Yoga and AYUSH, the supporting and regulatory systems for the policy initiatives continue to remain weak.
- There is also need for further research into these systems to make them in-line with needs .

## Learning from other successful models/examples

- Countries like Bangladesh, Thailand, Performance-based financing in Rwanda have developed successful healthcare model.
- Even within India, states like Kerala, Karnataka, Andhra Pradesh etc. have developed successful healthcare model.
- These models be replicated and moulded to the needs and requirements of the health sector in India.

## Bridge Courses

- While there has been an attempt to introduce bridge courses for AYUSH doctors for allopathy medicine.
- There is also a needs for bridge course for allopathy doctors for AYUSH.

## Ethics

- There is also need to inculcate ethical values of service, truthfulness, confidentiality, autonomy, informed consent and justice in healthcare professionals.

Assess the importance of Panchayat system in India as a part of local government. Apart from government grants, what sources the Panchayats can look out for financing developmental projects. 2018

“The local self-government system in India has not proved to be effective instrument of governance”. Critically examine the statement and give your views to improve the situation. 2017

In absence of a well-educated and organized local level government system, ‘Panchayats’ and ‘Samitis’ have remained mainly political institutions and not effective instruments of governance. Critically discuss 2015

Plutus IAS

# Panchayati Raj

in India:

[http://yोजना.gov.in/Recent\\_archive\\_english/January-14.pdf](http://yोजना.gov.in/Recent_archive_english/January-14.pdf)

Plus IAS

## Significance of local self govt -

- System of democracy at the top can not be successful unless one builds on a foundation from below.
  - It acts as a school of democracy, as a training ground for the leaders of future.
  - Real participation of people is possible only at this level, direct democracy becomes possible at this level.
  - Local govt. is most capable form of govt. with respect to provision of basic civic amenities.
- ↳ principally based on 2 pillars - local interest & local knowledge.

↳ principally

- Local govt. can prove to be a more economical form of govt.

- 1) Due to sustained vigilance
- 2) They can hire cheaper human resources.
- 3) Local govt. helps in reducing the <sup>burden</sup> of higher tier govt.
- 4) Local govt. is vital for national progress, as it is in better position ~~to tap~~, to recognise & keep local resources & talent which may otherwise get neglected.

## Colonial Period:

- The Regulation of 1816 conferred judicial authority to the village panchayats in a few provinces. Under this Regulation, the Panchayats under the Madras Presidency were allowed to try cases if both the parties agreed to submit the dispute to the panchayat
- The Mayo's resolution, 1870 gave impetus to the development of local institutions by enlarging their powers and responsibilities.
- Bengal Village Chowkidary Act, 1870 empowered the District Magistrate to constitute a panchayat in any village if majority of the adult male residents apply in writing to the District Magistrate to constitute a panchayat in such village.
- The Resolution on Local Self Government (Lord Ripon's Resolution) 1882 intended to build local self-government institutions on the

## British rule - why established local bodies?

5/14/16

- 1) To prevent disaffection of the masses
- 2) National movement demanded same
- 3) Local problems could be addressed through locally generated resources
- 4) Local self govt. would lead to modernisation & thereby creating greater appreciation for British goods

They set up local govt. to relieve imperial finances & to serve imperial interest.

\* 1687, 1<sup>st</sup> municipal corporation in Madras.

Britishers largely focussed on urban local self govt.

\* 1882, Lord Rippon's resolution often described as 'Magna Carta' of local self govt' → He has been described by father of local self govt, of course wrongly so!

- Morley Minto Reforms, 1909 incorporated the recommendations of Royal Commission on Decentralization (1907) which led to the enlargement of the election process in the Local Self Government structure in India.
- Montagu Chelmsford reforms of 1919 introduced dyarchy system where responsibility of the local government was given to ministers and the ministers enacted number of laws to revive the Panchayati raj institutions. Also The municipalities were vested with more powers to impose taxes
- Village Panchayat Act was also passed and made the panchayats a legal body. It established the village panchayat in many parts of the country and this continued up to 1940.

## Post Independence period:

- 1957 – Balwanth Rai Mehta Committee to examine the working of Community Development Programme and National Extension Services.
- 1977 – Ashok Mehta Committee – Panchayat Raj Institutions
- 1985 - G.V.K. Rao Committee – programmes of Rural Development and Poverty Alleviation
- 1978 – Dantwala Committee – block level planning.
- 1984 – Hanumantha Rao Committee Planning.
- 1986 – L.M. Singhvi Committee – Revitalization of Panchayat Raj Institutions for Democracy and Development.
- 1988- Thugon committee- District planning
- 1988 – V.N. Gadgil Committee – Committee on Policy and

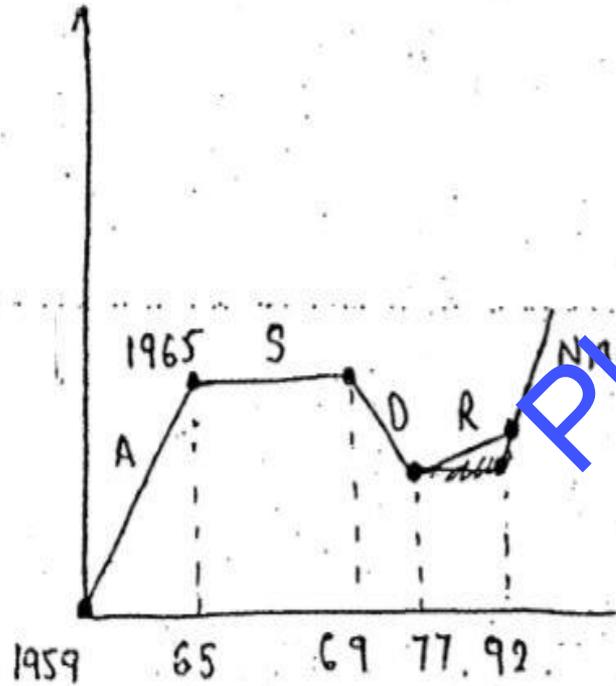
# 1. Balwant Rai Mehta Committee (1957)

Originally appointed by the Government of India to examine the working of two of its earlier programs, the committee submitted its report in November 1957, in which the term '**democratic decentralization**' first appears.

The important recommendations are:

- Establishment of a three-tier Panchayati Raj system – gram panchayat at village level (direct election), panchayat Samiti at the block level and Zila Parishad at the district level (indirect election).
- District Collector to be the chairman of Zila Parishad.
- Transfer of resources and power to these bodies to be ensured.

Nagaur dist. Rajasthan, 1959 it was started.



A Ascendancy

S Stagnation

D Decline

R Revival (Janta Govt, revival)

NMC New Magna Costa.

Ashok Mehta

## 2. Ashok Mehta Committee (1977-1978)

The committee was constituted by the Janata government of the time to study Panchayati Raj institutions. Out of a total of 132 recommendations made by it, the most important ones are:

- Three-tier system to be replaced by a two-tier system.
- Political parties should participate at all levels in the elections.
- Compulsory powers of taxation to be given to these institutions.
- Zila Parishad to be made responsible for planning at the state level.
- A minister for Panchayati Raj to be appointed by the state council of ministers.
- **Constitutional recognition to be given to Panchayati Raj institutions.**

## G V K Rao Committee (1985)

Appointed by the Planning Commission, the committee concluded that the developmental procedures were gradually being taken away from the local self-government institutions, resulting in a system comparable to **'grass without roots'**.

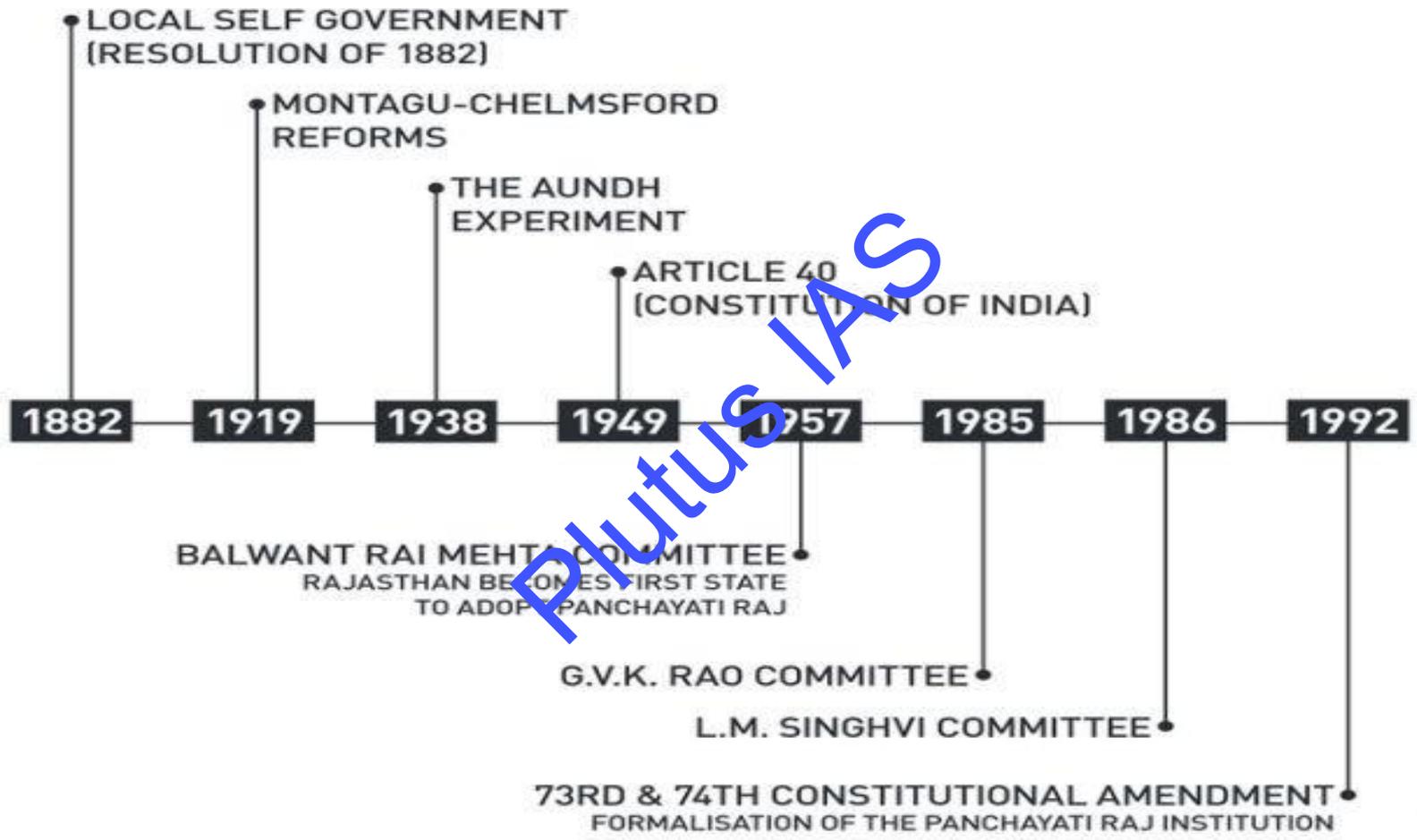
- Zila Parishad to be given prime importance and all developmental programs at that level to be handed to it.
- Post of DDC (District Development Commissioner) to be created acting as the chief executive officer of the Zila Parishad.
- Regular elections to be held

## **L M Singhvi Committee (1986)**

Constituted by the Rajiv Gandhi government on 'Revitalisation of Panchayati Raj institutions for Democracy and Development', its important recommendations are:

- Constitutional recognition for PRI institutions.
- Nyaya Panchayats to be established for clusters of villages

Though the 64th Constitutional Amendment bill was introduced in the Lok Sabha in 1989 itself, Rajya Sabha opposed it. It was only during the Narasimha Rao government's term that the idea finally became a reality in the form of the **73rd and 74th Constitutional Amendment acts, 1992.**



# Significance of 73rd Amendment Act of 1992

- The act has given a practical shape to Article 40 (DPSP)
- It transfers the representative democracy into participatory democracy
- The provisions are grouped into 2 categories: compulsory and voluntary

## **Eleventh Schedule It contains the following 29 functional items placed within the purview of panchayats:**

1. Agriculture, including agricultural extension
2. Land improvement, implementation of land reforms, land consolidation and soil conservation
3. Minor irrigation, water management and watershed development
4. Animal husbandry, dairying and poultry
5. Fisheries
6. Social forestry and farm forestry
7. Minor forest produce
8. Small-scale industries, including food processing industries
9. Khadi, village and cottage industries
10. Rural housing
11. Drinking water

2. Fuel and fodder
3. Roads, culverts, bridges, ferries, waterways and other means of communication
4. Rural electrification, including distribution of electricity
5. Non-conventional energy sources
6. Poverty alleviation programme
7. Education, including primary and secondary schools
8. Technical training and vocational education
9. Adult and non-formal education
0. Libraries

Plus IAS

1. Cultural activities
2. Markets and fairs
3. Health and sanitation including hospitals, primary health centres and dispensaries
4. Family welfare
5. Women and child development
6. Social welfare, including welfare of the handicapped and mentally retarded
7. Welfare of the weaker sections, and in particular, of the scheduled castes and the scheduled tribes
8. Public distribution system
9. Maintenance of community assets

# Gram Sabha

- Foundation of Panchayat Raj
- Symbol of Direct Democracy
- Village Assembly of all registered Panchayat
- Functions are determined by State Legislature

### 3 Tier Panchayat Raj

- Panchayat at Village, intermediate
- No intermediate panchayat in states with population upto 20 lakhs.
- Elections: Direct elections to panchayat at all 3 levels
- Chairperson of panchayat at levels shall be elected in amongst the elected members
- Chairperson at village level: as provided by state.

# Reservations

- Seats reserved for SC, ST population in panchayat area
- State shall provide for reservation village or any other level
- 1/3rd of total Seats are reserved for women
- 1/3rd of chairperson office are reserved for women at all levels.
- State may provide reservations to OBC

## Duration:-

- Regular tenure is 5 years, if dissolved, elections shall be held within 6 months.
- (When remainder of period is less than 6 month, not necessary to hold election for new panchayat for such period)
- Panchyat reconstituted after premature dissolution does not enjoy full period of 5 years but remains in office only for the remainder of the peri

## Age Qualification:

- 21 years -- for contesting All questions of disqualifications shall be referred to such authority as the state legislature determines.
- State Election Commission: Constitutional body under 243K (Not a multi member body like Election Commission).
- Governor appoints State Election Commissioner Condition of service and tenure is determined governor
- Election Commissioner cannot be removed as like the Judge of High Court. (No such protection exists as of ECI)
- Service conditions cannot be varied for disadvantage Provisions proceedings related to conduct of elections are determined by State Legislature

# Powers, Functions and Finances determined by State Legislature

- 29 matters listed in 11th Schedule (State m responsibility on Panchayats).
- Preparation of plans and implementation of plans for Economic development and Social Justice ( may be endowed on Panchayats)
- Finances: State legislature may authorise panchayat to levy taxes, assign duties, tolls and fees levies and collected by state government.
- State may provide for making grant in consolidated fund of State.

**State Finance Commission:** Governor shall constitute after every 5 years.

- State legislature may provide for the composition of commission, required qualification and manner of selection
- Organic link between central finance commission and state finance commission (central finance commission can recommend measures to augment the resources of a state and supplement the resources of panchayat in the state).
- Governor shall place the recommendation along with action taken report before state legislature

## **State finance commission shall recommend:**

- a. Distribution of net proceeds of tax, duties etc
- .Grant in aid provided to panchayat from consolidated fund of state.
- c. Taxes, duties tolls that may be assigned to panchayat
- .Devolution of power to prepare plans for economic development

Plus IAS

Act is not applicable to Jammu and Kashmir, Nagaland, Meghalaya and Mizoram and certain other areas including scheduled and tribal areas. These other areas include

- scheduled areas and the tribal areas in the states
- hill area of Manipur for which a district council exists
- Darjeeling district of West Bengal for which Darjeeling Gorkha Hill Council exists.

PlusIAS

## Role of Panchayati Raj in the democracy

- **Political consciousness:** It enabled a large number of people to acquire leadership at local levels, especially women ( since one-third of seats are reserved for the women candidates).
- **Strengthening democratic institutions and processes :** The experience gained by the new generation of leadership in democratic management has raised the quality of legislative debates and working of other higher level institutions. It has provided opportunity for the circulation of political elite which is very essential for maintaining democratic forms in their true spirit.

**Planning and development:** The PRIs have been designed to play a crucial role in planning and development. A number of studies indicate that as units of planning and development, be it at the district or lower level, the Panchayati Raj institutions have contributed substantially. In Maharashtra, Karnataka, West Bengal and several other states, local level planning has been successfully formulated and implemented by these institutions. Ultimately to what extent the local bodies have the necessary autonomy and financial resources to take up developmental activities, depends largely on the state government.

**Giving voice to local demands:** PRIs have become the connecting link between the Parliament and State Legislature on the one hand and local bodies on the other so that the respective members can exchange views on the objectives of a plan and its priorities. The local members talk about the local needs, urgencies and difficulties in the implementation whereas the members of Parliament and State Legislature can explain the possible solution since they decide national priorities and at the same time they are financially in a better position to help the rural bodies. This two way link has served the dual purpose of modifying the state policies at point of maladjustment as well as communicated the message from centre and/or state to the remote corner of the rural society.

**Executive Institution:** Certain civic functions such as rural sanitation, public health, street lighting, drinking water supply, maintenance of village roads, culverts, management of primary and secondary education, etc., have been carried out by the Panchayati Raj bodies.

**Breaking hierarchies:** Panchayati Raj has become a powerful tool where caste and local interests interact, clash, compromise and arrive at common understanding on various

## Issues in local governance

- . There is lack of clarity in regard to the concept of Panchayati Raj itself and the objectives for which it stands. They are still seen as administrative vessels for implementing programmes of the Central and State governments and not as democratic organisations.
- . The functions assigned to the Panchayat and the Samiti overlap, leading to confusion, duplication of efforts and shifting of responsibility.
- . The increasing trend towards politicisation of local body elections. This seriously prevents these institutions from concentrating on local issues. Elections to local governments are not held on time.
- . The attendance at Gram Sabhas is thin, attendees expect direct benefits and meetings are dominated by activists of political groups.

5. Parastatal agencies continue to play a major role in matters relating to urban planning, regulation of land use, water supply and sewerage, and slum improvement. This leads to weakening of the authority of the LSBs. 6. The powers transferred by states are often just a repetition of the eleventh or twelfth schedules. The precision in specifying tasks to different layers is missing.

7. The indirect election of most of the members to Panchayat Samiti only increases the possibility of corruption and bribery. Even the zilla parishad consists of mainly ex-officio members.

.Transfer of funds did not match devolutions. Central funds constitute the bulk of the funding to local bodies. When it comes to raising own resources the picture is very dismal.

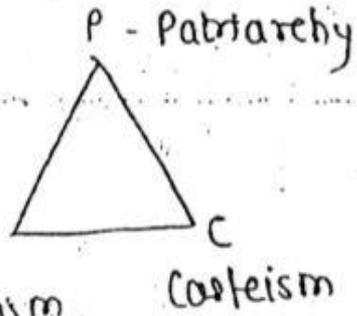
.There is no transfer of functionaries and this is not only because of reluctance of State Governments but also because of resistance of state cadres to work under local bodies.

PIUS IAS

## Fundamental problem in working of PRI? (Que)

- ① • The lack of politico-bureaucratic will & vision.
- Bureaucrats view PRIs as threat to their interest.
  - They lack the mindset to work under local politicians.
  - Instead of Panchayati Raj → Collector Raj

- ② • Social envt. on the countryside is hardly conducive for the growth of such institut<sup>n</sup>.



- 1) Federalism - In an avg. village of 8000 populat<sup>n</sup> 30% are land owner & they practically control

everything from Gram Sabha to G.P.

2) Casteism - A clear 15% quota for SC & 7.5% for ST has been implemented in most states violating the letter & spirit of art. 243D.

- 5 yearly rotation policy does not allow the representatives to develop lasting ties with their constituency.
- Creamy layer has benefitted more.
- The problem of proxy candidates, there were as high as 13% as per IRMA study 2009 (Institute Rural Mgmt. - in Anand).
- Violent backlash against weaker section.. - Panchayat Martyre.
- Restrictive qualification imposed by several state govt.  
eg. Haryana, bill passed in assembly - education.

- Violent backlash against weaker section.. - Panchayat
- Restrictive qualificatn imposed by several state govt.  
eg. Haryana, bill passed in assembly - educatn

### Pajjala vs State of Haryana, 2015 Case

1) Educational qualificatn -

- ① People being penalised for failure of state.
- ② No such norm at higher levels - inequality.
- ③ Illiterate adult are not in a position to acquire these qualificatn today.

The court's reasoning that it's only educatn which gives humans the power to discriminate betn right & wrong betrays an elitist mindset. (repeats)

② Functional toilet-

① Homeless people not allowed to contest (disfranchised)

② Many people who use community toilet also excluded.

③ It does not specify the nature or type of toilet.  
even dry toilet allowed.

3) One should not have any ~~claim~~ towards cooperative bank.

① It refers to errors not to bankruptcy or insolvency.

② Accute rural distress. vast majority of farmers have assets.

③ Those who best understand problems of poor farmers have been excluded.

4) Charges should not be framed against candidates for an offence that attract punishment of 10 yrs or more.

→ It would be attracted without conviction.

→ The problem of fabricated charges.

\* Solution is to provide remedial education immediately after election.

③ Corruption in PRIs.

(DRDA came in 1979, IRDP - to manage rural dev. in dist.) ← parallel body to PRI

④ Continuation of parallel agency & parallel program.

① District admin - with little clarity or too expectation from it

④ Continuance of parallel agency & parallel program.

① District admin - with little clarity as to expectation from it  
↳ its relationship with PRI.

② Para statal bodies such as DRDA, DSS, Continue.

③ Several new parallel body setup in state such as 'water user groups', NGOs operate without much coordination with local bodies, the khaps which wield enormous influence.

④ Parallel prgrm such as MPLAD, MIA LAD etc.

⑤ Increasing criminality & rampant use of money & muscle power in local body elects. Thus from Panchayat swabhiman, the attitude has changed to Panchayat cynicism.

⑥ Dominance of senior political leader in local body assessment.

⑦ Organisational structure of Panchayats is inadequate in spite of substantial increase in their responsibility.

→ 34% Panchayats have no building & rarely does a panchayat have a dedicated secretariat.

⑥ Very poor devolution of 4 Fs :-

1) Framework - 4 fold.

① Timely holding of electn

② Timely constitution of state fin. commission

③ ———— of election commission

④ setting up of DPC (dist. planning com.)

Ministry of Panchayati Raj annually ranks the state in terms of devolution of the 3 Fs. (Panchayat Devolution Index)

2) Funds

3) Functions

4) Functionaries

## Impact of part IX on empowerment of women (70<sup>th</sup> AA)

- 1) Over 30 lakh women contest, close to 10 lakh gets elected.
- 2) Participation of women in gram sabha meeting have shown an increase specially in women head panchayat.
- 3) Women panchayat mem. continuously demand higher expenditure on women specific goods & services & expenditure on these heads tends to be higher in women headed panchayat.
- 4) Women headed panchayat have also shown greater interest in negotiating social evil such as child marriage, sale of liquor.
- 5) The trend of Panchayat pati is on decline & women's participation has also impacted gender relations positively.

## Problems faced by women -

- 1) Dual responsibility
- 2) Lack of security
- 3) Lack of knowledge & information & in some cases illiteracy.
- 4) Very limited exposure to the outside world & therefore not in a position to be assertive.
- 5) Lack of genuine motivation. (most cases spousal motivation)
- 6) Problem of rotational policy (proxy 3 Brigade)
- 7) Women are rarely nominated or elected from unreserved seats.
- 8) Restrictive qualifications <sup>as</sup> educational quali, in some states 2 child norm  
(APSC court upheld 2 child norm in Javed case, 2003)

## Sources of income to panchayats

Panchayats can discharge their functions efficiently only if they have sufficient financial resources. For resources, Panchayats depend mainly on grants from the State Government. They also have taxation powers and have some income from owned or vested assets. They may get a share in the taxes, duties, tolls and fees that are levied and collected by the State Government.

**Gram Panchayat:** In most States the power of levying taxes is vested in Gram Panchayats. House tax, tax on cattle, immovable property, commercial crops, drainage tax, sanitation fee, tax on produce sold in village, etc. Panchayats can also levy entertainment tax. Gram Panchayats also receive funds as income from property owned by them as common grounds, jungles, cattle ground etc. They also receive their share in land revenue from the State.

**Panchayat Samiti:** Panchayat Samitis can impose tax on facilities provided by them as water for drinking or irrigation purposes, etc. Panchayats receive income from the property vested in them. They also receive grants from the State Governments. Funds are transferred by Zila Panchayats or State Governments along with schemes to be implemented by the intermediate institutions of Panchayati Raj.

**Zilla Parishad:** Zilla Parishads are also authorised to impose taxes. They may impose taxes on persons carrying on business in rural areas for six months, taxes on brokers, commission agents in markets established by them, also tax on sale of goods in these markets. Tax on land revenue can also be imposed by Zilla Parishads. When development schemes are entrusted to them, necessary funds are also provided. They also receive grants from the State, donations from charitable institutions, and may also raise loans.

## Challenges in fiscal transfers

- Dependence:** Panchayats are heavily dependent on government grant and internal resource generation at the panchayat level is weak. This is partly due to a thin tax domain and partly due to panchayats reluctance in collecting revenue.
- Inflexibility:** A major portion of the grants is scheme specific and panchayats have limited discretion and flexibility in spending. The transferred funds are uneven and untimely.
- Power devolution:** The critical factor that crippled the fiscal autonomy of the PRIs is the imperfect process of power devolution to the PRIs by different state governments. While some states have devolved desired powers to the PRIs, other states are lagging behind in the process.

**4.CSS:** Most CSS operate through parallel structures which ignore the Panchayats and deal directly with NGOs and user groups. Some of the CSS implementation concentrates powers in district missions, which have a wide flexibility to deploy funds.

**5.SFCs:** Reports of SFCs were not taken into account which is another grey area in fiscal decentralisation.

Plutus IAS

## Way ahead

- .Additional sources:** Rural bodies need to look beyond the traditional areas of lands and buildings and augment their resources by operating in newly emerging sectors through innovative tax measures. Ex: Fee on tourist vehicles, special amenities, restaurant, theatre, cyber cafe etc.
- .Incentivising performance:** The Ministry of Panchayati Raj has evolved a Panchayats Empowerment and Accountability Fund (PEAF) to incentivise both empowerment of the Panchayats by the States and accountability of Panchayats to Gram Sabhas.
- .Royalty:** PRIs should be given a substantial share in the royalty from minerals collected by the State Government. This aspect should be considered by the SFCs while recommending grants to the PRIs.

**.Village panchayats:** In the tax domain assigned to PRIs, village panchayats must have primary authority over taxation. However, where such taxation has inter-panchayat ramifications, the local government institutions at higher levels such as intermediate panchayat and zilla parishad could be given concurrent powers subject to a ceiling.

**.Octroi should be abolished, but the States should evolve** mechanisms to compensate the local governments for the loss of revenue caused by such abolition.

7. Only through fiscal autonomy, we can truly achieve Swaraj as envisaged by Gandhi in India.

## \* Developmental impact of PRI's -

1) Agriculture - The position is uneven  
eg. Karnataka, several schemes from technical dept. were transferred to PRI's & as a consequence they suffered due to lack of technical guides.

→ But studies in other states such as T.N., Andhra P., revealed a significant role of PRI's in boosting agri production.

## 2) Weaker secth development.

→ In most states PRI's have appointed social justice committee to look after weaker section interest, but the Parji committee of Guj. & Sadiq Ali committee of Rajasthan, conclude it that by & large PRI's has not been able to address concerns of weaker section.

### 3) Education -

→ In many states both primary & secondary education have been transferred to PRT & progress in this regard has also been uneven.

### <sup>Weak</sup> Financial base of PRT

- 1) Taxes available with PRTs are inelastic.  
eg. taxes on property, professions, animals, boats, other vehicle, ricksha  
some state Octroi.  
↳ regressive tax, compromises free movement.
- 2) Very limited borrowing powers.
- 3) Grants in aid from state govt. are irregular, uncertain, tied & often unrelated to the needs.

# Way Forward for PRI

Plutus IAS

- **Genuine fiscal federalism** i.e. fiscal autonomy accompanied by fiscal responsibility can provide a long term solution without this PRIs will only be an expensive failure.
- **2nd ARC, 'Local Governance- An inspiring journey into the future'**, had recommended that **there should be a clear-cut demarcation of functions of each tier of the government.**
- States should **adopt the concept of 'activity mapping'**, wherein each state clearly delineates the responsibilities and roles for the different tiers of the government in respect to the subjects listed in the Schedule XI.
- The subjects should be divided and assigned to the different tiers on the basis of accountability to the public.
- States like Karnataka and Kerala have taken some steps in this direction but overall progress has been highly uneven.
- There is **need for bottom up planning** especially at the district level, based on grassroots inputs received from Gram Sabha.

- **Karnataka has created a separate bureaucratic cadre for Panchayats** to get away from the practice of deputation of officials who often overpowered the elected representatives.
  - Such practices needs to be replicated in other states for strengthening the true character of local self governance.

The center also needs to **financially incentivize states** to encourage effective devolution to the panchayats in functions, finances, and functionaries.

**Training should be provided to local representatives** to develop expertise so that they contribute more in planning and implementation of policies and programmes.

To solve the problem of proxy representation **social empowerment must precede the political empowerment.**

- Recently states like Rajasthan and Haryana have set certain minimum qualification standards for Panchayat elections. Such necessary eligibility can help in improving effectiveness of governance mechanism.
- These standards should apply for MLAs and MPs also and in this direction government should speeden up efforts for universal education.
- There should be clear mechanisms to ensure that States comply with the constitutional provisions, particularly in the appointment and implementation of the recommendations of the State Finance Commissions (SFCs).

## Sumit Bose Committee recommendations

- **For human resource:** Every panchayat should have a full-time secretary to perform both general administration and development functions. The existing Gram Rozgar Sevaks should be formally trained to carry out essential engineering functions, such as those related to water supply and sanitation.
- **For social accountability:** Holding Gram Sabha meetings regularly, ensuring that meeting notice reach the people at least 7 days in advance, Participatory Planning and Budgeting, Pro-active Disclosures, Social Audit of Panchayats etc.
- **Greater usage of ICT:** Panchayats should use only transaction-based software for maintaining database related to local planning and monitoring progress; financial management including e-procurement; estimation and management of work undertaken, electronic maintenance of cashbook etc.
- **Monitoring performance:** Standards should be developed for all assets being created through rural development programmes. Also, essential data should be compiled, including, area, population, staff, and availability of essential infrastructure for panchayat office, among others.

## Limitations of local bodies

- . **Local bodies are not a panacea** for all manner of administrative problems and challenges. Highly technical activities require specialised organisations. The exploitation of natural resources may need a regional approach necessitating setting up of parastatals catering to a number of local bodies.
- . **Local bodies are also political organizations** and suffer from all the deficiencies of political systems. Excessive decentralisation has its own sets of problems.
- . **Moreover modern governance** calls for innovative methods. There should be administrative space for different types of organizations each contributing in their own manner to the general good. Women SHGs and NGOs can be examples in this regard. The convergence of the activities of all such bodies and local authorities should be done best through the planning process

**4. On the role of local bodies** in planning and implementation of mega projects there is consensus that their constructive involvement can reduce land related disputes, ease the process of acquisition and rehabilitation of affected people. Information disseminated through local bodies has allayed fears of local people. They became a fora wherein to voice local grievances.

Plus IAS

**District Planning Committee (DPC)** is the committee created as per article 243ZD of the Constitution of India at the district level for planning at the district and below. The Committee in each district should consolidate the plans prepared by the Panchayats and the Municipalities in the district and prepare a draft development plan for the district.

## Composition of the District Planning committee

)The district planning committee of different districts shall consist of such number of members as may be specified by the state government by notification.

(i) **Three - fourth members** of the total number of members shall be elected in the prescribed manner by the elected members of the zila parishad and Municipal Bodies as the case may be, of the district from amongst them.

(ii) **The number of members to be elected from within the rural and urban areas shall bear the same possible** nearest proportion, as the population of the rural and urban areas, as the case may be, bears the proportion in the district.

(c) The remaining members of the committee -

)A minister of the Jharkhand state, who will be nominated by the State government, shall be the chairman of the committee;

)District Magistrate / Deputy commissioner of the district who shall be the Member secretary;

)Chief Executive Officer of the zila Parishad, who shall be the member - cum - additional Secretary;

iv) Chief Planning Officer - member;

(v) Where the number of the members specified by the state Government,

Plutus IAS

## **Shortcomings of District planning committee (DPC)**

- .A number of parallel planning bodies continue to function at each level with little contact with the PRIs. The **Gram Sabhas are functional but attendance of residents of villages at a distance is poor**. They meet only twice a year. There are no representatives of the village level and intermediate panchayats in the DPC.
- .In most states DPCs are yet to function as envisaged in the Constitution. They neither consolidate nor prepare draft district developmental plans. In several States, where there is no separation of the budget into District and State sectors, allocation of funds to Panchayats does not match the legislative devolution of functions to them.
- .**Planning exercise's quality suffers seriously for lack of sufficient time.** Thus planning process does not stir meaningful debates in the Panchayats. DPCs lack technical expertise.

4. Funds given to panchayats and DPCs are tied down to schemes, thus limiting the scope for determining and addressing local priorities through a planning exercise. Actual provision in State budgets also differs from the gross outlays communicated.

5. Many DPCs are headed by state ministers who are not members of local bodies

## Way forward with DPCs

- .The guidelines issued by the Planning commission pertaining to the preparation of the plan for the district and the recommendations of the expert group regarding the planning process at the district level should be strictly implemented.
- .Each state Government should develop the methodology of participatory local level planning and provide such support as is necessary to institutionalise a regime of decentralised planning.
- .States may design a planning calendar prescribing the time limits within which each local body has to finalise its plan and send it to the next higher level, to facilitate the preparation of a comprehensive plan for the district.

.State Planning Boards should ensure that the district plans are integrated with the state plans that are prepared by them. It should be made mandatory for the states to prepare their development plans only after consolidating the plans of the local bodies.

.For urban districts where town planning functions are being done by development authorities, these authorities should become the planning arms of the DPCs and ultimately of the District Council.

# Salient Provisions of PESA Act

- In the Schedule areas, every village will have a **Gram Sabha** consisting of persons whose names are included in the electoral rolls for the Panchayats at the village level.
- In the schedule areas, there will be a **minimum** of 50% seats reservation for Scheduled Tribes (STs) at all the tiers of Panchayats.
- If the area has different tribal communities, the reservation of different tribal communities shall be on the basis of proportion to their population.
- The chairpersons at all levels of the Panchayats in Schedule areas shall be reserved for STs.
- If there are no ST members at intermediate or district level Panchayats, the state government shall nominate such underrepresented STs by **maximum of one-tenth** of the total elected members of the Panchayats.
- Every legislation on the Panchayats in scheduled area shall be in conformity with the customary law, social and religious practices and traditional management practice of the community resources.

If there is an acquisition of land in these areas, Gram Sabha must be consulted. However, actual planning and implementation of the projects shall be co-ordinated at the state level. So, in land acquisition, the role of Panchayats in these areas is advisory only. The recommendation of the Gram Sabha or the Gram Panchayats is mandatory for grant of prospecting licence or *mining lease for minor minerals* in that area. Gram Sabha has the right to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant.

Gram Sabha and Panchayat have right to regulate the

- ownership of minor forest produce;
- to prevent alienation of land;
- to manage village markets;
- to exercise control over money lending;
- to exercise control over institutions and functionaries in all social sectors;
- to control over local plans and resources for such plans including tribal sub-plans.

# Importance of PESA

Effective implementation of PESA will not only bring development but will also deepen democracy in Fifth Schedule Areas.

- **There benefits of PESA include:** It will enhance people's participation in decision making.
- PESA will reduce alienation in tribal areas as they will have better control over the utilisation of public resources.
- PESA will reduce poverty and out-migration among tribal population as they will have control and management of natural resources will improve their livelihoods and incomes.
- PESA will minimise exploitation of tribal population as they will be able to control and manage money lending, consumption and sale of liquor and also village markets.
- Effective implementation of PESA will check illegal land alienation and also restore unlawfully alienated tribal land.

## Problems with PESA

- **Dilution of role of Tribal Advisory Councils:** PESA comes under the Fifth Schedule, which mandates Tribal Advisory Councils to oversee tribal affairs and also gives extrajudicial, extra constitutional powers to the Governors of each State to intervene in matters where they see tribal autonomy being compromised.
- However, **the councils**, with the Chief Minister as their chairperson, have evolved into a non-assertive institution amid the machinations of upper-class politics, and its representatives **hardly speak against the State governments' policies.**
- The **Governors**, in order to have friendly relations with the Chief Ministers, **have desisted from getting involved in tribal matters.** Tribal activists have constantly complained that there is not even a single instance where the Governors have responded to their petitions for interventions in threatening crises, such as deepening clashes over land, mining or police excesses.

- **Lack of coordination at Centre:** Even if one were to expect proactive intervention from the Centre, PESA would get entangled in bureaucratic shackles. Two different ministries, the Ministry of Panchayati Raj and the Ministry of Tribal Affairs, have an overlapping influence on the implementation of PESA and they function almost without any coordination.
- **Lack of operationalization:** In most of the state the enabling rules are not in place more than eight years after the adoption of the Act suggests that the state governments are reluctant to operationalize the PESA mandate.
- **Ignoring the spirit of PESA:** The state legislations have omitted some of the fundamental principles without which the spirit of PESA can never be realised. For instance, the premise in PESA that state legislations on Panchayats shall be in consonance with customary laws and among other things traditional management practices of community resources is ignored by most of the state laws.
- **Ambiguous definitions:** No legal definition of the terms like minor water bodies, minor minerals etc. exist in the statute books. The states in their conformity legislations have also not defined the term leading to ambiguity and scope of interpretation by the bureaucracy.

# Municipalities

The term 'Urban Local Government' in India signifies the governance of an urban area by the people through their elected representatives. The jurisdiction of an urban local government is limited to a specific urban area which is demarcated for this purpose by the state government.

- There are eight types of urban local governments in India—municipal corporation, municipality, notified area committee, town area committee, cantonment board, township, port trust and special purpose agency.
- Three ministries
- (i) Ministry of Housing and Urban Affairs.
- (ii) Ministry of Defence in the case of cantonment boards
- (iii) Ministry of Home Affairs in the case of Union Territories

PlusIAS

## Evolution:-

- 1687 Madras- first Municipal Corporation.
- 1726 -Municipal Corporations of Bombay and Calcutta.
- 1870- Lord Mayo's Resolution on Financial decentralization.
- 1882 -Lord Ripon (Father of resolution Magna Carta of Local Self Government.
- 1907- Royal commission on Decentralization.
- 1919- Government of India Act, Local Self Government became transferred subject.
- 1924 -Cantonments Acts

## Urban - Local Bodies

National Commission on Urbanisation

i) 1985, Charles Correa

→ 1<sup>st</sup> & only one commission on urban

→ several recommendations of this commission have been incorporated in part IX - A.

Nagar Panchayat - initial Gram Panchayat - undergoes drastic transition when converted to Nagar P. requires utmost care and so as to avoid any kind of any injustice.

**Salient Features:-**

**Types of Municipalities**

Three types:

- Nagar Panchayat (Rural to Urban Transition Area)
- Municipal Council (Small Urban Area)
- Municipal Corporation (Large Urban Area)

**Composition**

- All members shall be elected directly by the people of municipal area.
- Each Municipal area shall be divided into territorial constituencies – Wards
- State may provide for manner of election of chairperson

**Ward Committee**

- It may consist of one or more wards within territorial area of municipality having population of 3 lakh or more
- Composition and territorial area – by state

## Reservation

- Seats are reserved for SC, ST (based on population) & Women (1/3rd) in case of membership.

- Manner of reservation for Chairpersons (SC/ST) – as determined by state.
- State may provide for reservation of OBCs

## Duration of Municipalities

5 years of office

Plus IAS

- Duration of Municipalities :5 years of office
- Powers and Functions: 12th Schedule has 18 functions that may be transferred by State Legislature to Municipalities.

Plutus IAS

## Types of Urban Governments

**Municipal Corporation** Created for administration of big cities (Delhi, Mumbai etc.)

- Created by acts of State (In case of UT by Parliament).
- Administrative framework: It has 3 authorities --
- Council headed by Mayor, standing committees, Municipal commissioner.
- Council: Deliberative and legislative wing of the Municipal Corporation. Councillors are directly elected by people but few are nominated.

- Mayor: He presides over the meetings of council (ornamental head) and has 1 year renewable term.
- Standing committees: Constituted for separate fields.
- They take final decision in their fields. (facilitate working of council)
- Municipal Commissioner: Responsible for implementation of decisions taken by council and standing committees (Chief executive authority, he is appointed by the state

PIUS IAS

**Municipalities:** For administration of towns and smaller cities

Created by acts of state legislature (by parliament in UTs).

- **Administrative Framework:** Council headed by President, standing committees, CEO.
- **Council:** Deliberative and legislative wing of the Municipal Corporation. Councillors are directly elected by people but few are nominated. It is headed by president/chairman
- **President/Chairman:** He presides over meetings of council. He plays significant role unlike Mayor and is pivot of the municipal administration. He enjoys executive power.
- **Standing committees:** Constituted for separate fields.(Facilitate the working of council)
- **CEO:** Responsible for day-to day administration of municipality. He is appointed by state

Notified Area Committee: Created for administration of 2 types of areas:

1. Fast developing towns
2. Town which does not yet full-fill all the conditions for a municipality but considered important by state.
3. Established by notification => called Notified area committee.  
Entirely nominated body (by state). Hence, neither statutory nor elected body

Plus IAS

Town Area Committee: It is set up for administration of small town  
It is a semi municipal authority with limited functions

Created by act of state

May be wholly/partly elected or nominated by state

Plutus IAS

**ISSUES:-**

Plutus IAS

- **Lack of powers with elected representatives at local level:** In most municipal corporations, while the mayor is the ceremonial head, the executive powers of the corporation are vested with the State government-appointed commissioner.
- **Ineffective Leadership:** Mayors and Councilors look at their positions as a stepping stone for their political career rather than being change agents bringing out desired urban reforms.
- **Further delegation of powers from ULBs:** For eg- Central government programmes such as the Smart Cities Mission seek to ring fence projects from local government by delegating the decision-making powers available to the ULB to the Chief Executive Officer of the SPV.
- **Excessive State Control-** The state governments have the power to supersede and dissolve municipal bodies under certain circumstances. Further, state governments have powers likeo They approve municipal budget (except that of corporation).

- They also look into the following matters:
  - Even the modified local tax structure needs government's prior approval and later ratification.
  - Control through accounting and audit system, etc.
- Financial paucity- Their chief sources of income are the varied types of taxes, most of which is levied by the union and state governments and, the taxes collected by the urban bodies are not sufficient to cover the expenses of the services provided. Indian cities revenue is less than 1% of gross domestic product. The net result is that cities do not have adequate financial autonomy.
- Creation of parastatal Agencies: such as urban development authorities (which build infrastructure) and public corporations (which provide services such as water, electricity and transportation) are accountable only to the State government, not the local government.

- Corruption leading to low effectiveness- The administrative machinery, at the disposal of these local bodies is insufficient and ineffective. The staff which is often underpaid indulges in corrupt practices which lead to loss of income and lack of effectiveness.
- Lack of effective and efficient Personnel: Urban government increasingly needs professional services of experts to cope with the increasing needs of the population, both qualitatively and quantitatively. The situation is worsening because the rural influx in town and cities has increasingly converted them in ghettos leading to lack of access to basic services
- Low level of People's Participation- People's apathy towards participating in the governance system pushes such institutions into a state of complacency and irresponsibility.

## • Issues highlighted in the Annual Survey of India's City System, 2017 released in March 2018:

- Lack of local democracy, with only two of the 23 cities putting in place ward committees and area sabhas at least on paper.
- Only 9 of the 23 cities had a citizen's charter. Even in the cities where such a charter exists, there is no mention of service levels, or timelines for service delivery etc.
- An ombudsman for resolving citizen's issues is also missing in all but three Indian cities— Bhubaneswar, Ranchi and Thiruvananthapuram.
- 19 of the 23 cities don't release even basic data about their functioning in usable formats.

Most Indian cities use town and country planning acts which were drafted decades before the economy was liberalized and the lack of a modern, contemporary urban planning framework may be costing India 3% of its GDP every year.

## STEPS TAKEN BY GOVERNMENT FOR ULBS

- **Performance linked grants:** The 14th Finance Commission also stipulated that a detailed procedure for the disbursement of the Performance Grant to ULBs based on various reforms in areas like accounting, auditing, reporting, etc.
- **Comprehensive road map for municipal reforms** by Union ministry of housing and urban affairs. The road map, consisting of three tiers of reforms along three main avenues - Governance, Planning, and Finance.
- **Municipal Bonds:** In 2017, NITI Aayog in its Three-year Action Agenda document also talks of utilizing Municipal Bond market. This would ensure low cost of borrowing which is required for municipality projects which typically have low viability, long gestation period and low to moderate cost recovery.
- **Directly elected Mayor:** A private member's bill was introduced in the parliament to make provisions for direct election and empowerment of the office of mayor in country. This would help in increasing accountability as mayor can be questioned directly and creating more transparency as communication and reporting will be directly done by mayor.

- **Atal Mission for Rejuvenation and Urban Transformation (AMRUT):** During 2015-17, various basic reforms were undertaken under this scheme resulting in:
  - Improved collection of user charges: 104 cities in 14 states collected more than 90% of user charges,
  - Establishment of municipal cadres in 21 states.
  - Improved service delivery: 256 cities started offering online citizen services.
  - Others: 21 states established state finance commissions and 363 cities have completed credit rating.



Ramnath Kovind

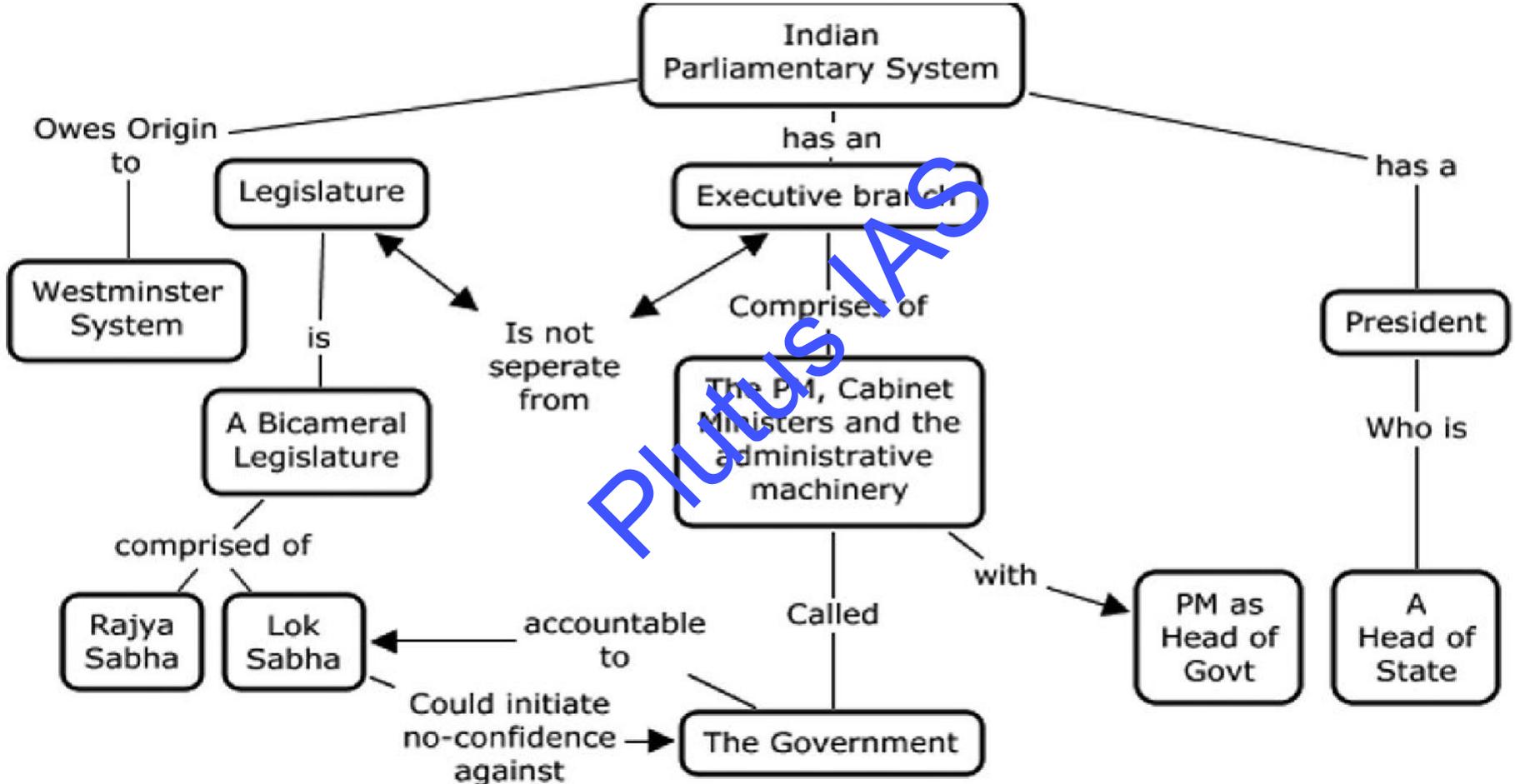
PlutusIAS

# The Presi dent

## Part 5 - Union ( 52-151) : Important Articles related to the President

- ❖ **Article 52- The President of India.**
- ❖ **Article 53- Executive Power of the union.**
- ❖ **Article 54- Election of President**
- ❖ **Article 55 Manner of election of President**
- ❖ **Article 61 Procedure for impeachment of the President**
- ❖ **Article 71 Matters relating to, or connected with, the election of a President or Vice-President.**
- ❖ **Article 72 Power of President to grant pardons, etc., and to suspend, remit or commute sentences in certain cases**
- ❖ **Article 74 Council of Ministers to aid and advise President**
- ❖ **Article 123 Power of President to promulgate Ordinances during recess of Parliament**
- ❖ **Article 143 Power of President to consult Supreme Court**
- ❖ **Article 352 National Emergency**
- ❖ **Article 356 President's rule**
- ❖ **Article 360 Financial Emergency**

# INDIAN PARLIAMENTARY SYSTEM



## Q. Match the Following:

### Column A

1. The Prime Minister
2. The President
3. The Cabinet
4. The Council of Minister

### Column B

- (a) takes all important decisions.
- (b) consisted of all the Ministers.
- (c) under the control of a Minister is called portfolio.
- (d) appoints the Prime Ministers.

Plutus IAS

# The President of India:

- ❖ How is the President **elected**?
- ❖ What are the **qualifications** of the President?
- ❖ What is the **procedure for impeachment** of a President?
- ❖ Can the President's office be **vacant**?
- ❖ What are the **powers and functions** of the President of India?
  - Legislative Powers of President
  - Financial Powers of President
  - Judicial Powers of President
  - Diplomatic Powers of President
  - Military Powers of President
  - Emergency Powers of President
- ❖ What is the **Ordinance Making Power** of the President?

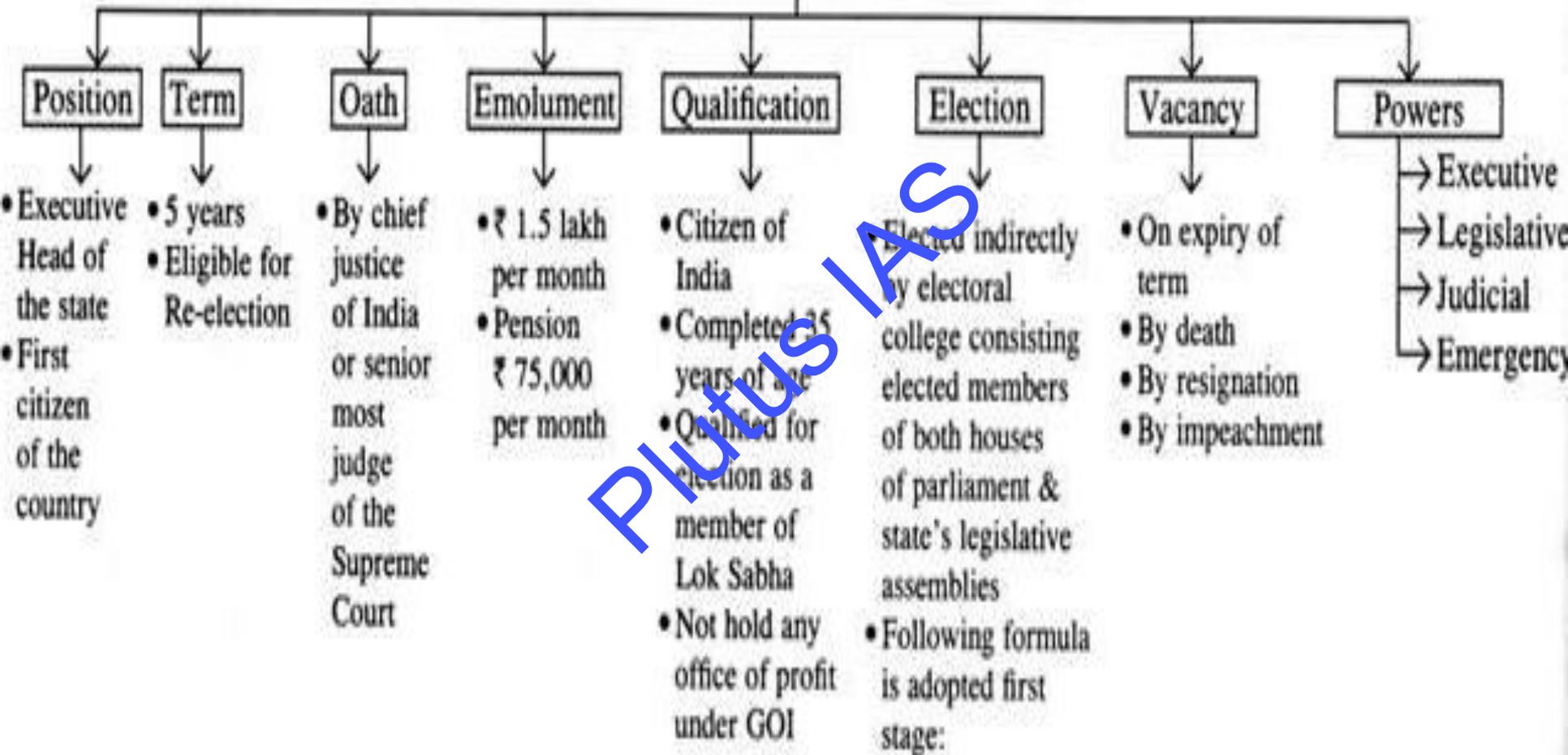
# President of India: Part V of the Constitution

## (The Union)

### About President of India:

- ❖ The President of India is the **head of state** of the Republic of India.
- ❖ The President is the **formal head** of the executive, legislature and judiciary of India and is also the commander-in-chief of the Indian Armed Forces.
- ❖ **Although Article 53** of the Constitution of India states that the President can exercise his or her powers directly or by subordinate authority, with few exceptions, all of the executive authority vested in the President are, in practice, **exercised by the Council of Ministers (CoM)**.

# President





## ELIGIBILITY CRITERIA FOR THE PRESIDENTIAL ELECTION

Candidate must be 35 years of age

Candidate must be an Indian National

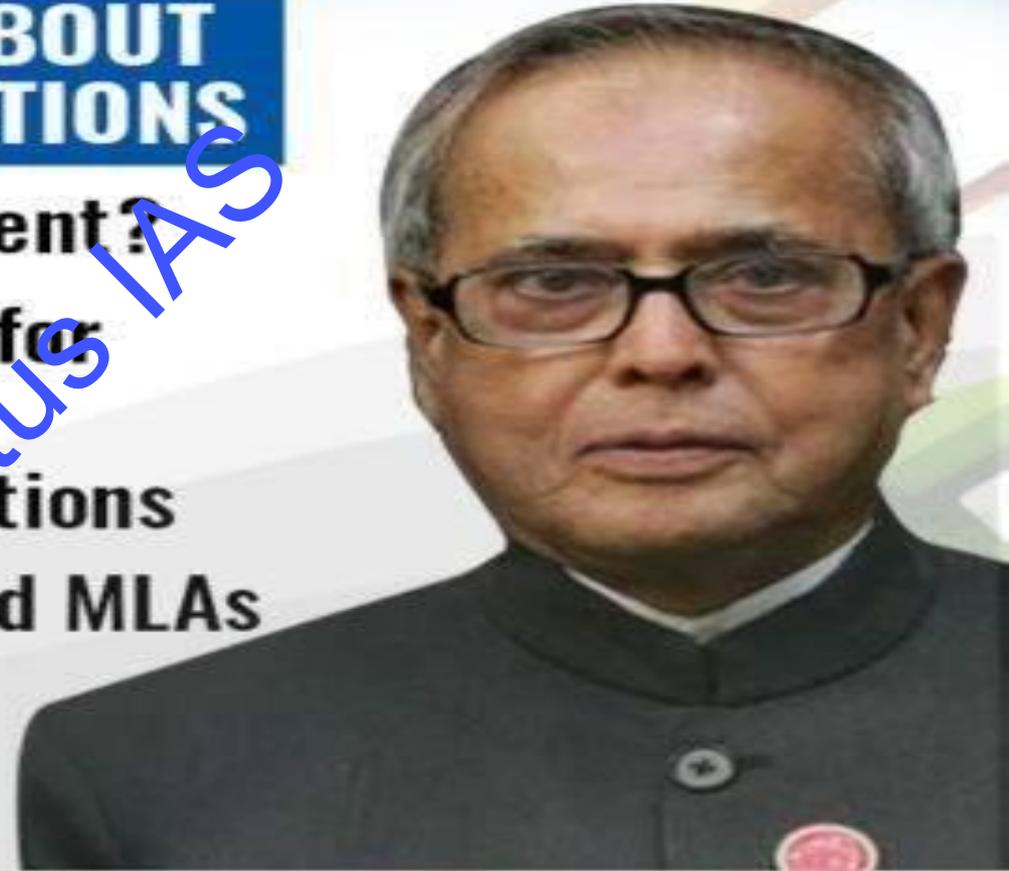
Must have a support of 50 MPs/MLAs  
(these can't be nominated members)

Must deposit Rs 15,000 as a security  
amount with the RBI

Must not hold any Office of Profit

# THINGS TO KNOW ABOUT PRESIDENTIAL ELECTIONS

- Who elects the President?
- Who is eligible to run for the President?
- Voting pattern in elections
- Vote values of MPs and MLAs



# HOW IS OUR PRESIDENT ELECTED?



# WHO ELECTS INDIA'S PRESIDENT?

## VALUE OF VOTE OF EACH ELECTORATE

Each MP and MLA vote has a certain value attached to it. This differs from state to state.

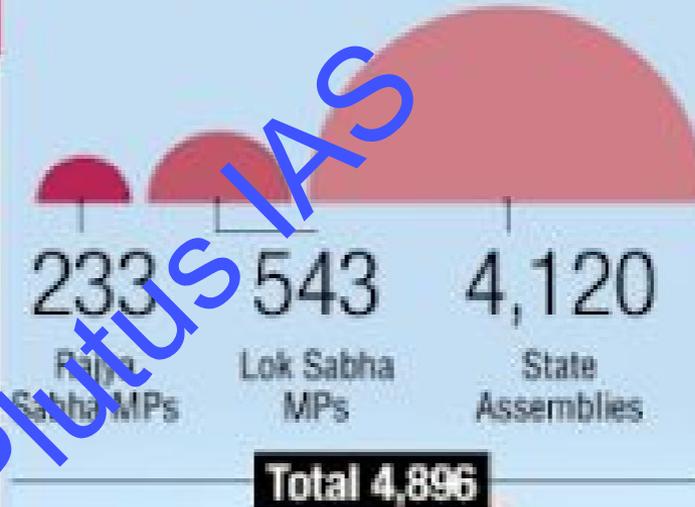
**For the MLA, the number is decided by the total state population divided by the number of elected members to the legislative assembly, further divided by 1,000.**

The value of the vote of an MP is decided by dividing the total value of votes of MLAs of the country, divided by the total number of elected MPs in Lok Sabha and Rajya Sabha.

**The total combined value of votes is 10,98,903 — 5,49,408 for MPs and 5,49,495 for MLAs.**

The halfway mark is expected to be 5,49,442 votes. However, the actual halfway mark depends on valid votes.

## THE NUMBERS



## HOW IT WORKS OUT

The winning candidate needs to secure a certain quota of votes which is 50% of the valid votes polled +1.

**Each MP and MLA indicates his/her choices in case of multiple candidates, in an order of preference.**

Each vote cast is given a value based on various factors such as the first preference order, value of vote of each electorate, etc.

# Electoral College for President:

Value of the vote of an MLA

$$= \frac{\text{Total population of state}}{\text{Total number of elected members in the state legislative assembly}} \times \frac{1}{1000}$$

Value of the vote of an MP =

$$\frac{\text{Total value of votes of all MLAs of all states}}{\text{Total number of elected members of Parliament}}$$

## ELECTORAL COLLEGE FOR PRESIDENTIAL ELECTION

Total voters: **4,896**

MLAs **4,120**

MPs **76**  
(543 - elected members of the Lok Sabha  
(233 - elected members of the Rajya Sabha)



The total value of the votes of the electoral college

**10,98,882**

■ The total value of the votes of MPs - **5,49,408**

■ The total value of the votes of MLAs - **5,49,474**

■ The value of vote of each MP: **708**

■ Lowest vote value of MLAs: **7** (Sikkim)

■ Highest vote value of MLAs: **708** (UP)

(The value of vote of an MLA differs from state to state)

## Disputes regarding election of President & Vice-President:

- ❖ According to **Article 71**- holds that disputes regarding election of President and Vice President is to be heard by the Supreme Court of India and decision of supreme court will be final.
- ❖ **A petition challenging the election** of a person to the presidential office may be **filed in the Supreme Court** by any candidate, **or** by 20 or more electors joined together as petitioners, **within 30 days** of publication of the declaration containing the name of the returned candidate.

# Powers of President:

## 1. Executive Powers of President:

- ❖ **Executive head** of union.
- ❖ He has the power of **removal and appointment** of the PM of India, other ministers, governor, judge of HC & SC, CAG, UPSC Members, Election Commission, Attorney General.
- ❖ All the **executive action** are taken in his name.
- ❖ He make rules to **simplify the transaction of business** of the central government
- ❖ He **seeks information** from the Union government. He requires PM to submit, for consideration of the council of ministers, any matter on which a decision has been taken by a minister but, which has not been considered by the council.
- ❖ He appoints chairmans of various National Commissions.
- ❖ He appoints inter-state council
- ❖ He appoints administrators of union territories
- ❖ He can **declare** any area as a scheduled area and has powers with respect to the administration of scheduled areas and tribal areas.

## 2. Legislative power:

- ❖ Gives **final assent** to a bill passed by Lok Sabha(L/S) and Rajya Sabha(R/S).
- ❖ He **summons**(to call meetings) or **prorogues**(to end) Parliament and dissolves the Lok Sabha.
- ❖ He **addresses** the Indian Parliament at the commencement of the first session after every general election.
- ❖ He summons a **joint sitting** of Lok Sabha and Rajya Sabha in case of deadlock.
- ❖ He can send messages to the parliament.
- ❖ He **consults** the Election Commission of India on questions of disqualifications of MPs.
- ❖ He **appoints** speaker, deputy speaker of Lok Sabha, and chairman/deputy chairman of Rajya Sabha when the seats fall vacant.
- ❖ He **nominates** 12 members of the Rajya Sabha.

## Ordinance Making Power:

- ❖ **Article 123** of the Constitution grants the President certain law-making powers to promulgate ordinances during the recess of Parliament.
- ❖ These ordinances have the same force and effect as **an Act of Parliament** but are in the nature of temporary laws.
- ❖ Governor of an Indian state draws ordinance making power from **Article 213** of the Constitution of India.

## Issues associated with ordinance:

- ❖ The executive power to issue ordinance goes **against the philosophy of separation of power** between legislature, executive, judiciary
- ❖ It **bypasses** the democratic requirements of arguments and deliberations.
- ❖ **Re-promulgation defeats the constitutional scheme** under which a limited power to frame ordinance has been conferred on President and Governor
- ❖ It **threatens sovereignty** of Parliament and State legislature which have been constituted as primary law givers under constitution.
- ❖ Ordinances have often been **bone of contention** between executive and legislature and many time subjected to Judicial review

## Limitations of Ordinance powers:

- ❖ He can promulgate an ordinance **only when both the houses of parliament or at least one house are not in session.**
- ❖ He can make an ordinance only when he is **satisfied that the circumstances** exist that require him to **take immediate action.**
- ❖ An ordinance can be issued only on those subjects **on which the parliament can make laws. (3 Lists)**
- ❖ Every ordinance issued by the President during the **recess of Parliament** must be laid before both the houses of Parliament when it re-assembles.
- ❖ Once the parliament is back to the session, **within 6 weeks or reassembly of the house** the parliament must pass an ordinance given by the President.
- ❖ A **constitutional amendment cannot** be done through the ordinance route.

- ❖ The power to promulgate an Ordinance is essentially a power to be used to meet an **extraordinary situation** and it cannot be allowed to be "**perverted to serve political ends**".
- ❖ Ordinance making is an emergent power exercisable when the **Legislature is not in session**.
- ❖ An Ordinance promulgated by the Governor to **deal with situation which requires immediate action** and which cannot wait until the legislature reassembles, must necessarily have a limited life.

# Important Amendments &

- ❖ **RC Cooper vs. Union of India (1970):** The SC, while examining the constitutionality of the Banking Companies (Acquisition of Undertakings) Ordinance, 1969 held that ‘**immediate action**’ was not required; and the Ordinance had been **passed primarily to bypass debate and discussion** in the legislature.

- ❖ **38th Constitutional Amendment Act: Inserted a new clause (4)** in Article 123 stating that the President’s satisfaction while promulgating an Ordinance was final and could not be questioned in any court.

- ❖ **44th Constitutional Amendment Act: Deleted clause (4)** inserted by the 38th CAA and therefore reopened the possibility for the judicial review..

- ❖ In **AK Roy vs. Union of India (1982)** while examining the constitutionality of the National Security Ordinance, 1980, which sought to provide for preventive detention in certain cases, the Court argued that the President’s Ordinance making power is **not beyond the scope of judicial review**.

- ❖ When ordinances are frequently issued & re-issued, it violates the spirit of the Constitution and result in an ‘**ordinance raj**’. In **D.C. Wadhwa vs State of Bihar 1987**, the **SC** strongly condemned this practice & called it a **constitutional fraud**. It should be **used in exceptional circumstances** and **not as a substitute for the law making power of the legislature**.

# Way forward

- Supreme court should look into some of it's judgements
- Presidential check
- Session must be convened with in one week

Plutus IAS

# Let's Practise

## Mains Q

**Q. What are the various issues around ordinance making power of President and Governors? Also discuss the safeguards which are in place to prevent misuse of ordinance making power.**

**Q. Though ordinances making power of President is given under Article 123 of the Constitution, yet its frequent use goes against the spirit of constitution. Examine.**

**Q. Critically examine the utility of ordinance making powers in a parliamentary democracy.**

**Judicial power of the President:** He can give pardons, respite, remit or commute one judgement with another. **Pardoning powers of the president** includes the **following types:**

- **Pardon:** **Completely absolves** the convict from all sentences, punishments and disqualifications.
  - **Commutation:** Substitution of one form of punishment for a lighter form.  
Ex: Death sentence to rigorous imprisonment.
  - **Remission:** **Reducing amount** of sentence without changing its character.
  - **Respite:** awards **lesser punishment** than original punishment by looking at the special condition of a convict.
  - **Reprieve** **stays** the execution of the awarded sentence for a temporary period.
- ❖ Pratibha Patil was **against capital punishment** and it **created controversy**. She has granted more than record **30 pardons** (over 90% of India's total death sentences pardoned ever) during her tenure.

# Cases regarding judicial power

Kehar Vs Union of india:-

- Prez may examine the evidence afresh
- Prez doesn't act as court of appeal
- Power are independent of judicial review
- To be exercise on the aid and advice of COM
- Petitioner can't demand the oral help
- Limited judicial review

Plus IAS

# Guru vedanta reddy case

- Clemency can't be shown based on caste, religion etc
- Judiciary can examine the wisdom behind the decision
- It is not a private grace

Plutus IAS

# Pardoning power of President vs Governor:

| <i>President</i>   | <i>Governor</i>  |
|--|--|
| 1. He can pardon, reprove, respite, remit, suspend or commute the punishment or sentence of any person convicted of any offence against a Central law.   | 1. He can pardon, reprove, respite, remit, suspend or commute the punishment or sentence of any person convicted of any offence against a state law.   |
| 2. He can pardon, reprove, respite, remit, suspend or commute a death sentence. He is the only authority to pardon a death sentence.                     | 2. He cannot pardon a death sentence. Even if a state law prescribes for death sentence, the power to grant pardon lies with the President and not the governor. But, the governor can suspend, remit or commute a death sentence. |
| 3. He can grant pardon, reprove, respite, suspension, remission or commutation in respect to punishment or sentence by a court-martial (military court). | 3. He does not possess any such power.   |

## ❖ Pardoning power to President (Article 72) in cases:

- Punishment or sentence is for an offence against **Union Law**.
- Punishment or sentence is by a **court martial**.
- Sentence is sentence of **death**.

## ❖ Pardoning power to Governor (Article 161):

- Governor cannot pardon death sentences. However, the governor can suspend, remit or

The Supreme Court examined the pardoning power of the President under different cases and laid down the following principles:

1. The petitioner for mercy has no right to an oral hearing by the President.
2. The President can examine the evidence afresh and take a view different from the view taken by the court. ✓
3. The power is to be exercised by the President on the advice of the union cabinet. ✓
4. The President is not bound to give reasons for his order. ✓
5. The President can afford relief not only from a sentence that he regards as unduly harsh but also from an evident mistake. ✓
6. There is no need for the Supreme Court to lay down specific guidelines for the exercise of power by the President.
7. The exercise of power by the President is not subject to judicial review except where the presidential decision is arbitrary, irrational, mala fide or discriminatory.
8. Where the earlier petition for mercy has been rejected by the President, stay cannot be obtained by filing another petition.

## 4. Military power:

- ❖ Supreme commander of 3 Armed forces.
- ❖ He has sole authority to declare war and peace.

## 5. Diplomatic power:

- ❖ He can appoint indian diplomats to other countries like ambassadors.
- ❖ He is the representative of India in international forums and affairs.

## 6. Veto power:

- ❖ After the bill is passed by the parliament, the president in case of a non money bill or non constitutional amendment bill can send it back to parliament for reconsideration only once. This is called a suspensive veto.
- ❖ Secondly, the president can declare withholding the assent- Pocket veto.
- ❖ Since there is no definite period of time for pocket veto. It can be an absolute veto also.

## ABSOLUTE VETO

The President can use his Absolute Veto i.e., refuse the Bill in two cases:

- **In case of a Private member's Bill:** A Bill that has been introduced by a private member i.e., by the Member of Parliament (MP's) who is not a Minister.

- **Upon Advice from the new Cabinet:** The New Cabinet may advise the President to refuse the Bill passed by the outgoing (old) cabinet.

## SUSPENSIVE VETO

- The Power of suspensive Veto is used when the President returns the Bill to the Parliament for reconsideration.

- This Veto Power can be overridden with ordinary majority.

- That is, when the Bill (apart from a money Bill) is sent to the President with ordinary majority for her/his assent with or without the amendments, the President should give assent to the Bill without refusing it.

## POCKET VETO

- In this the President neither assents to the Bill nor returns to the Houses of Parliament for reconsideration.

- The Bill can be kept in pending for an indefinite period using this Pocket Veto.

- There is no specific provision in the Indian Constitution which specifies the time limit to the President within which she/he should act upon the Bill.

## ❖ **Case of Suspensive Veto:**

- The President has discretionary power when he exercises suspensive veto ie. when he returns a bill (not money bill) **for reconsideration** of the parliament.
- However if the bill is **passed again** by the Parliament with or without amendments and presented again to the President, it is **obligatory for him to give his assent** to the bill.

## ❖ **Case of Pocket Veto:**

- This is **not a provision mentioned** in the Indian constitution, but this is a **possible situation** when the President of India can use his discretionary power. In this case, the President neither ratifies nor rejects nor returns the bill, **but simply keeps the bill pending for an indefinite period.**
- As the time limit within which the President has to take the decision with respect to a bill presented to him for assent has not been

# Emergency Powers of President:

- ❖ He deals with **three types** of emergencies given in the Indian Constitution:
  - National Emergency (Article 352)
  - President's Rule (Article 356 & 365)
  - Financial Emergency (Article 360)

- According to **K.T Sah**:- liberty and democracy will only remain in the name because of these provisions
- **H.V Kamath**:- because of these provisions, we are laying the foundation of totalitarian state.

Plutus IAS

**The scenario** which emerged after the passing of **42nd and 44th Constitutional amendments** and sudden rise of Presidents who wanted to be **more than just titular heads**.

The **42nd and 44th Amendment Acts of 1976 and 1978** respectively have made the ministerial advice binding on the President.

❖ **42nd Amendment Act, 1976**

- Made the president bound by the advice of the cabinet.

❖ **The 44th Amendment Act of 1978:**

- Made the President declare a national emergency only on the **written recommendation** of the cabinet.
- **Empowered the president to send back once** the advice of the cabinet for **reconsideration**. But, the reconsidered advice is to be binding on the president.

## ❖ **President can seek information from Prime Minister:**

- Under article 78 the President enjoys the **right to seek information** from the PM regarding the administration of the affairs of the union.
- The Prime Minister is **duty-bound** to furnish such information.
- Under the established convention, the President has the **right to warn or encourage** the Council of Minister (CoM) in the exercise of its power.

- ❖ **Case of no majority:** When no political party or coalition of parties enjoys the majority in Lok Sabha, then the President has discretion in inviting the leader of that party or coalition of parties who in his opinion is able to form a stable government.
- ❖ **Case of no-confidence with CoM- dissolving Loksabha:**
  - He may act on his own discretion in dissolution of the lower house.
  - It is for the president to decide if he should dissolve Loksabha or not when CoM loses the majority in Lok Sabha.
    - **Note:** The President can dissolve Lok Sabha only on the advice of CoM but the advice is binding only if the government is a majority government.
- ❖ **Case of no-confidence with CoM- dissolving CoM:** It is for the president to decide if he should dissolve CoM or not when CoM loses the majority in Lok Sabha. He may act on his own discretion in dismissal of the Government when it loses the support of the majority and refuses to quit.

**Process of Impeachment(Article 61):** The President of India can be impeached before term of his office, if he **violates the Indian Constitution**.

- ❖ The resolution to remove the President can be kept in **either house** of the parliament (Lok Sabha/Rajya Sabha).
- ❖ The resolution must be supported by **1/4th of members**.
- ❖ **14 day notice** is given to the President in which the president can keep his opinion.
- ❖ Voting will take place on this issue and the resolution has to be passed by a **special majority** i.e 2/3rd majority of the total strength of the house.
- ❖ After passing the bill in the first house, the bill will be transferred into the second house where the **2nd house acts as an investigation house**.
- ❖ The president will be given a **chance to represent himself**, by self or with the help of an advocate of his choice.
- ❖ If the bill is passed by a special majority (**Type IV**) in the second house **also**, then the hon'ble president of India will be impeached.

**Lok Sabha initiates an impeachment charge (s)**

- The impeachment charges are signed by one-fourth of the members of the Lok Sabha
- 14 days' notice is given to the President of India

**Lok Sabha passes the impeachment charges with two-third majority and sends it to Rajya Sabha**

- Lok Sabha after signing the charges, passes them to Rajya Sabha for investigation

**Rajya Sabha investigates the charges**

- While Rajya Sabha is investigating the charges, President has the right to sit in the proceedings

**Rajya Sabha agrees to the charges and passes it with two-third majority and President stands removed**

Plutus IAS

# Parliamentary vs. Presidential Democracies

## Parliamentary System

Joining of powers

Executive branch members are also legislative branch members

Parliament elects the head of government; head can be voted out by parliament

Political parties are strong; the opposition party is important to control of the government

## Presidential System

Separation of powers

Clear separation between executive and legislative branches

The government's executive (the President) is separate from Congress

Political parties have less of a role in the government

# Spot the difference

## Prime ministers are . . .

- Heads of government
- *Primus inter pares* in Cabinet
- Elected members of Parliament
- Leaders of the legislature
- Not heads of department



## Presidents are . . .

- Heads of government *and* heads of state
- *Run* the Cabinet
- *Directly* elected
- *Outside* of the legislature
- Have a *personal* department



# The Presidents of India:



Ram Nath  
Kovind  
2017-



Pranab  
Mukherjee  
2012-2017



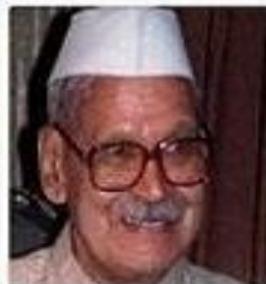
Pratibha Patil  
2007-2012



A. P. J. Abdul  
Kalam  
2002-2007



K. R.  
Narayanan  
1997-2002



Shankar  
Dayal Sharma  
1992-1997



R.  
Venkataraman  
1987-1992



Zail Singh  
1982-1987



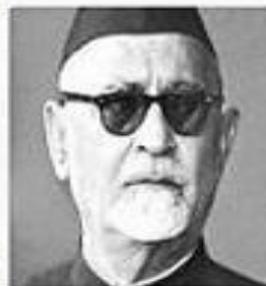
Neelam  
Sanjiva Reddy  
1977-1982



Fakhruddin  
Ali Ahmed  
1974-1977



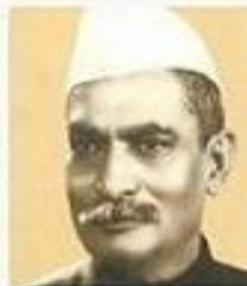
V. V. Giri  
1969-1974



Zakir Husain  
1967-1969



Sarvepalli  
Radhakrishnan  
1962-1967



Rajendra  
Prasad  
1950-1962

## Phase I:

(1950 - 1967)

- The relationship between the PM and President could be described as the **balance polity**: both the President as well as the prime minister were **strong personalities** but at the same time they were also **flexible enough to resolve their differences** and ensure constitutionalism in the country.

## Phase II: (1967 - 1990)

- ❖ This phase had witnessed **politicization of the office** of president.
- ❖ During this phase successive presidents had failed to perform their function and had become nothing but an extension of the office of prime minister.
- ❖ They acted more as the representative of the ruling political party at the centre than as the custodian of the constitution.

## Phase III: (1990 - 2014)

The age of activist presidents for presidential activism during this phase successive presidents had become proactive in **ensuring constitutionalism**; they use discretionary power to reduce and eliminate dictatorial functioning of prime ministers.

During this phase, due to the emergence of a coalition government **the balance of power had shifted decisively in the favour of the president.**

## Phase IV:

### Post 2014

- ❖ Emergence of single party rule.
- ❖ Dominance of PM in the governance of the country.
- ❖ Most of the decisions of the government is supported by the President.

## Presidents of India and the controversies they got into:

- ❖ Only Dr Zakir Hussain and Fakhruddin Ali Ahmed left office without any public confrontation with the prime minister. Others, however, did **challenge the authority of the prime minister**.
- ❖ The powers of the President, under **Art 111**, are **not subject to the aid and advice** of the Council of Ministers. Without his assent, no bill can become law and if he considers a particular bill inappropriate then he can either return the bill for reconsideration or withhold it for an indefinite period. Using this power, neither **President Zail Singh** nor **President R. Venkatraman** gave assent to the **Post Office (Amendment) Bill, 1986** as they were against the mail censorship clause of the bill.
- ❖ **R. Venkatraman** went to the extent of advising the Prime Minister to **consult the Attorney-General** in this regard.

Under **Art 123**, the President is conferred the power to promulgate ordinance on his own satisfaction.

- ❖ Using these powers, President **Dr. Shankar Dayal Sharma** didn't assent to promulgation of two ordinances as advised by the Narasimha Rao government.
- ❖ The same power was exercised by President **Dr.A.P.J. Abdul Kalam** when he didn't give assent to the price of profit bill as he thought that it was promulgated for some political gain and not for general principles mentioned.

The above mentioned examples show the **activist side of the President** where he dares to reject the advice for the larger interest of the people of the country.

## Critical look at the institution & its relevance:

- ❖ The presidency is a **monarchical symbol** of the modern Indian state's power and glory. Commentators have attacked this peculiar arrangement as a mindless imitation of the British parliamentary model. They argue that it causes political instability and dysfunction.
- ❖ Justice Krishna Iyer: **“Not the Potomac, but the Thames, fertilises the flow of the Yamuna.”**
- ❖ Even while the president is India's head of state, she or he can exercise executive powers only upon the cabinet's aid and advice.
- ❖ Two coordinate decision-making authorities acting independently of each other would lead to the **derailment of the whole parliamentary setup.**
- ❖ Whatever be the President's legal powers, his real power rests on **his**

- ❖ The constitution has envisaged a **co-operative and harmonious relationship** between the president & PM.
- ❖ The Prime Minister **acts as a bridge** between the Parliament and the President.
- ❖ The President is **entitled to be kept informed** about the working of government departments where policy initiatives are involved.
- ❖ These arrangement ensures that democracy functions as government for the people.

The Indian constitution accords with the president, the responsibility and authority to **defend and protect the Constitution** of India and its rule of law.

The president **shall not accept any actions** of the executive or legislature which are **unconstitutional**. The president is the foremost, most empowered and **prompt defender** of the constitution (**Article 60**), who has **pre-emptive power** for ensuring constitutionality in the actions of the executive or legislature.

He is the ultimate person responsible for **upholding the rule of law**, as the head of state, and must ensure that no major violations happen. Basically, if **major violations** of the Constitution are happening, the President **cannot just stand and watch** it all happen.

# Conclu sion:

- ❖ **R. Venkataraman** had propounded the **theory that** the President in the Indian context was like the **'emergency light'** which automatically came on when the **normal flow of power was broken** and went out after normal working was restored.
- ❖ The Prime Minister has to respect not only the office of the President but also the **views** of the person who holds the post. Similarly, in return the President has not only to respect the Prime Minister but also the **policies and directions** pursued by his government.

Let's look  
at the  
Mains

Questions

## Questions on President

**Q. President in the Indian context was like the 'emergency light' which automatically came on when the normal flow of power was broken and went out after normal working was restored. Comment.**

Plutus IAS

## Questions on

## President

**Q. “The veto-power of the Indian President is a combination of the absolute, suspensive and pocket veto.” Discuss.**

Plutus IAS

Questions on

President

**Q. Comment on the symbolic institution of the President of India.**

Plutus IAS  
Plutus IAS

# Questions on President

**Q. Indian Constitution confers vast legislative powers on the President.**

**Comment.**

Plutus IAS  
Plutus IAS

## Questions on President

Q. “Presidents of India prior to the passage of 42th and 44th amendment could afford to be more assertive.” Comment.

# Questions on

## President

**Q. “The President of India acts like a grandparent in a family. If the younger generation does not follow his/her advice, he/she is just unable to do anything.”**

**Comment.**

# Questions on President

**Q. “Not the Potomac, but the Thames, fertilizes the flow of Yamuna”. In the light of the statement, comment on the symbolic institution of the President of India.**

# Questions on President

**Q. Do you think Indian  
President is merely a Rubber  
Stamp? Critically Examine**

PlusIAS

# Questions on

## President

**Q. “In an era of rising parliaments the power of the President expands, more so when the incumbent decides to be assertive.”**

**Comment on the statement with reference to the situation in India during the last two decades.**

---

---

**Thank  
You**

---

---

**Plutus AS**

---

# The Prime Minister of India:

---

(The topic, 'Prime Minister & Council of Ministers' is important for the IAS Exam and its **three stages** – Prelims, Mains and Interview.)

---

---

# Prime Minister of India

- ❖ The Republic of India is a **parliamentary democracy** with **two houses** of parliament – The Lok Sabha (House of the People) and The Rajya Sabha (Council of States).
- ❖ As in most parliamentary democracies, India has a **President** who is the head of state (**de jure** head) and whose duties are mostly ceremonial, and a **Prime Minister** who is the head of government and exercises the **de facto** head of the government.

# Prime Minister of India

- ❖ The PM is the **senior-most member** of the cabinet.
- ❖ PM is the **chief political strategist** for the government and the nation.
- ❖ **The Prime Minister:**
  - **selects and can dismiss members** of the cabinet;
  - **allocates posts** to members within the government;
  - is the presiding member and **chairperson of the cabinet.**
- ❖ The Union cabinet is **collectively responsible to the Lok Sabha** as per Article **75(3)** of the Constitution of India.

- ❖ **Entire responsibility of enactment of laws** rests with the Prime Minister who heads the Council of Ministers.
- ❖ The Constitution provides that there shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in exercise of his functions, act in accordance with the advice rendered after such reconsideration (**Article 74**).
- ❖ While the Prime Minister is selected by the President, the other Ministers are appointed by the President on the advice of the Prime Minister (**Article 75(1)**).

Thus, the Council of Ministers is a composite body, consisting of different categories. The rank of the different ministers is determined by the **Prime Minister**. He also **allocates portfolios** among them.

- ❖ Our Constitution is based on the **concept of collective responsibility**. The Council of Ministers is collectively responsible to the lower house of the Parliament. The essence of collective responsibility is that **once a decision is taken by the government, it is binding on all the ministers**.
- ❖ The Ministry as a body, is under a **constitutional obligation** to resign as soon as it loses the majority in the lower House (House of People) of the legislature.
- ❖ In practice, the Council of Ministers seldom meets as a body. It is the **Cabinet, an inner body within the Council**, which makes all the government policies.

# Appointment of PM

- ❖ The President of India appoints a person as the Prime Minister who is either the **leader of the party which holds a majority of seats** in the Lok Sabha or is a person who is **able to win the confidence** of the Lok Sabha by gaining the support of other political parties.
- ❖ **Various provisions of Article 75:**
  - (1) The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the **advice of the Prime Minister**
  - (2) The Minister shall **hold office during the pleasure** of the President.
  - (3) The Council of Ministers shall be **collectively responsible** to the House of the People
  - (4) Before a Minister enters upon his office, the President shall **administer to him the oaths of office and of secrecy** according to the forms set out for the purpose in the Third Schedule
  - (5) A Minister who for any period of six consecutive months is not a **member of either House of Parliament** shall at the expiration of that period cease to

# Qualification &

# Tenure of PM:

## Qualifications of PM:

- ❖ Must be citizen of India
- ❖ Must be **member of either house** of Parliament
- ❖ If he is not, he must become the member within six months of appointment
- ❖ **Leader of the majority party** or one who enjoys the majority support in the Lok Sabha

## Tenure of PM:

- ❖ **No fix tenure**
- ❖ The PM shall hold office as long as he **enjoys the majority support** in the Lok Sabha.
- ❖ The prime minister shall resign if they are **unable to prove majority** when instructed by the president.
- ❖ Lok Sabha can remove the PM by way of carrying out a **No Confidence Motion**.
- ❖ With the removal of the PM, the **entire Cabinet resigns**.

# Position of PM:

- ❖ The Union executive consists of the President, the Vice-President, and the Council of Ministers with the Prime Minister as the **head to aid and advise** the President.
- ❖ **Article 74 (Council of Ministers to aid and advise President)**
- ❖ **Article 78:** Duties of Prime Minister as respects the furnishing of information to the President, etc It shall be the duty of the Prime Minister:
  - **(a) to communicate** to the President all decisions of the council of Ministers relating to the administration of the affairs of the union and proposals for legislation;
  - **(b) to furnish such information** relating to the administration of the affairs of the Union and proposals for legislation as the President may call for; and
  - (c) if the President so requires, to **submit for the consideration** of the

# Powers and Role of the Prime Minister

- ▶ Formation of Council of Minister
- ▶ Distribution of Portfolio
- ▶ Re-organization of Council of Minister
- ▶ Presides over the meeting of Cabinet
- ▶ Co-ordination of different Department
- ▶ Chief Advisor of the President
- ▶ Link between the Cabinet and the President
- ▶ Leader of Lok Sabha
- ▶ Leader of the Nation
- ▶ Leader of the party
- ▶ Chief spokesman of the Government in foreign Policy
- ▶ Right to dissolve the Parliament
- ▶ Arbitrator of Inter-State Disputes
- ▶ Power of making appointments and granting Honours

## Executive Powers of PM:

- ❖ **Formation of Council of Ministers:** Appoints, removes and distributes portfolios to Ministers
- ❖ **Presides the Meetings** of the Cabinet
- ❖ **Leader** of the Council of Ministers
- ❖ Prepares the list for **various important appointments** such as those of governors, judges of Supreme and High Court, members of UPSC, Election Commission, ambassadors and high Commissioners. These appointments are however made by the President.

## Legislative Powers of PM:

- ❖ **Fixes the Programme** of the Parliament
- ❖ **Makes important policy statements** in the Parliament
- ❖ **Defends the Policies** of the Government in the Parliament
- ❖ Director of Foreign Policy
- ❖ Director of Indian Economy

## The Powers of the Prime Minister:

- ❖ **Hires & Fires:** The Prime Minister hires, fires and reshuffles the Cabinet and all the other government jobs as well.
- ❖ **Needs Cabinet support:** Needs continuing Cabinet support. Can't sack too many Cabinet ministers.
- ❖ **CoM Collective Responsibility** means they put up with it or resign.
- ❖ **Decides Agenda:** The Prime Minister decides the Cabinet agenda, and sums up what the feeling of the Cabinet is.
- ❖ **Cabinet Committees:** The Prime Minister tends to get involved in the work of Cabinet Committees
- ❖ **Ministers Rarely Resign:**
- ❖ The Prime Minister is head of a mass party, their loyalty is to him, not the Cabinet.
- ❖ **Needs Civil Service Support:** He can call on the expert advice of lots more people than anyone else.
- ❖ The Prime Minister **depends on the advice of the Civil Service**. They are the experts - they only really ask him to take the very big decisions.
- ❖ **Controls Civil Service:** He also has his own department, the Cabinet Office, which appoints the top Civil servants in all the others.
- ❖ **Media Hangs on Every Word:** The Mass Media tend to seek out the Prime Minister for definitive answers. This promotes the idea that the PM is boss.

# COUNCIL OF MINISTERS

– APPOINTED BY THE PRESIDENT ON THE ADVICE OF THE P.M

– ONLY MEMBERS OF THE PARLIAMENT CAN BECOME MINISTERS

– IF A NON-MEMBER IS APPOINTED, HE MUST BE ELECTED OR NOMINATED WITHIN 6 MONTHS.

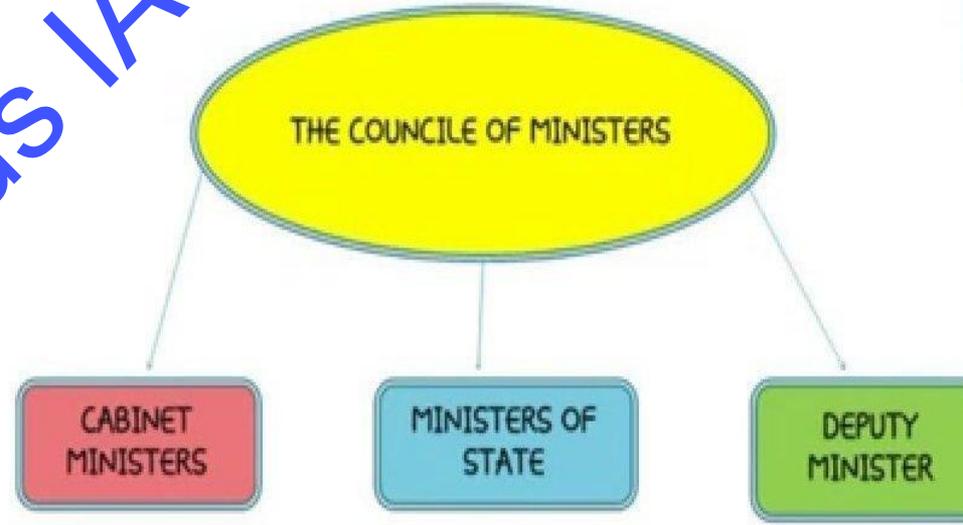
- ❖ Under the Constitution, there is **no bar to the appointment of a person from outside the legislature as minister.** But he cannot continue as minister for more than **6 months** unless he secures a seat in either house of Parliament.

# Types of Ministers

The Indian Constitution does not categorize ministers into ranks, however, in practice seen in India, ministers are of **four types**:

1. **Cabinet Ministers**—He is present and he participates in every meeting of the Cabinet.
2. **Minister of State with independent charge**—He is a Minister of State who does not work under a Cabinet Minister. When any matter concerning his Department is on the agenda of the Cabinet, he is invited to attend the meeting.
3. **Minister of State**—He is a Minister who does not have independent charge of any Department and **works under a Cabinet Minister**. The work to such Ministers is allotted by his Cabinet Minister.
4. **Deputy Minister**—He is a Minister who works under a Cabinet Minister or a Minister of State with independent charge. His work is allotted

## Composition of the Council of Ministers



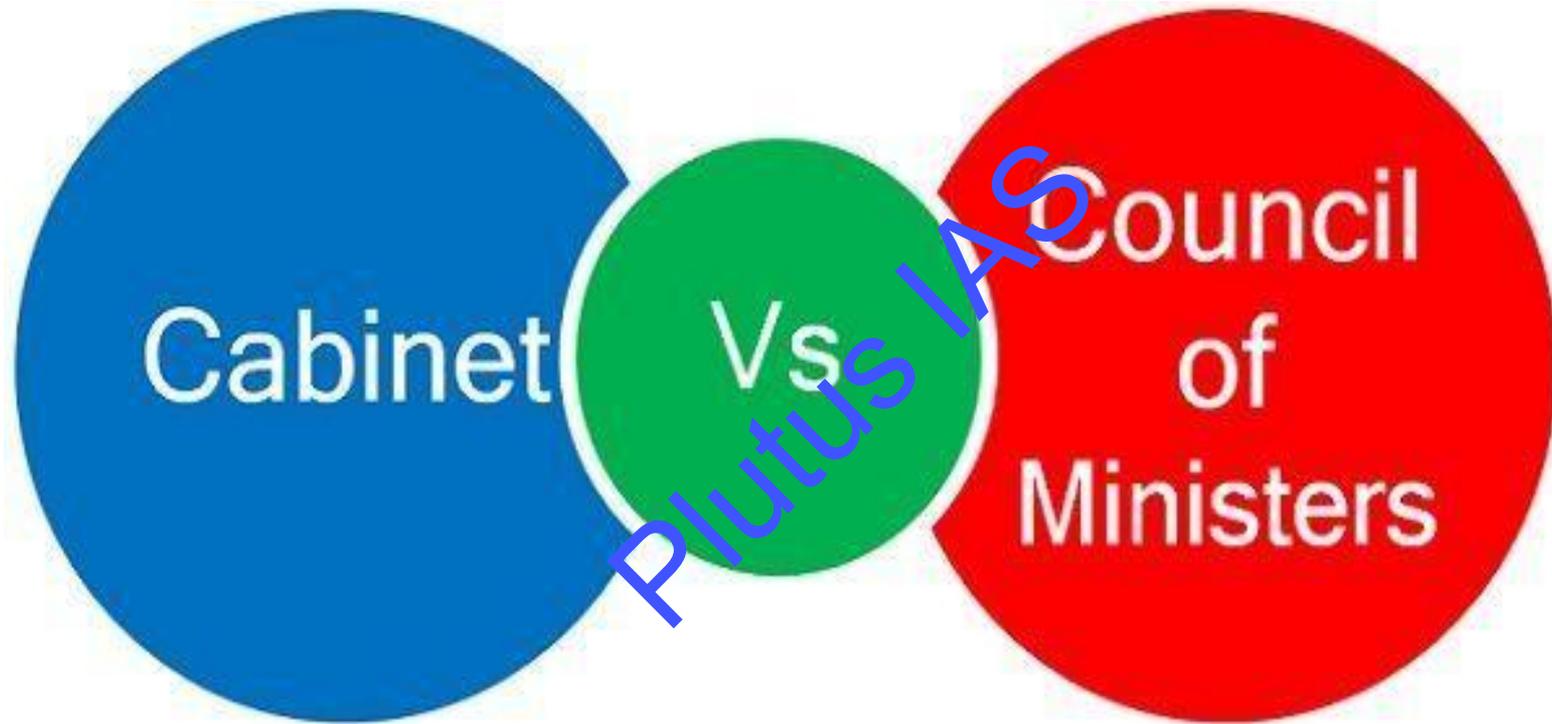
CABINET  
MINISTERS

Plutus IAS

MINISTERS  
OF STATE

DEPUTY  
MINISTERS





# Difference Between COM & Cabinet



- Consist of top-ranking ministers, Decides mostly the policy matters
- All cabinet members are ministers, all ministers are not cabinet ministers
- Minister of state & deputy ministers do not attend the cabinet meetings, unless specially invited
- No voice in formation of Govt. Policy, Parliamentary Secretaries

# POWERS & FUNCTIONS OF THE CABINET- ADMINISTRATIVE POWERS



1. POLICY MAKING- EXTERNAL & INTERNAL

- DEFENCE, ECONOMY, RULE IN STATE, FORMATION OF STATE

2. IMPLEMENTATION OF THE POLICIES- CABINET MINISTERS DECIDES & THE MINISTERS OF STATE & DEPUTY MINISTERS FOLLOW.

-THE FURTHER PASS ON TO THE CIVIL SERVANTS

# Power &

## Functions of PM

In relation to Council of Ministers:

1. He recommends persons who can be **appointed** as ministers by the president. He can ask a minister to **resign or advise** the president to dismiss him in case of difference of opinion.
2. He **presides over the meeting** of the council of ministers and influences its decisions.
3. He **allocates and reshuffles** various portfolios among the ministers.
4. He can bring about the **collapse of the council of ministers** by resigning from office.

# Power &

# Functions of PM:

In relation to the President:

1. He is the **principal channel of communication** between the president and the council of ministers.
2. He **advises the president** with regard to the appointment of important officials like attorney general of India, comptroller and auditor general of India, chairman and members of the UPSC, election commissioners, chairman and members of the finance commission and so on.

## In relation to Parliament

1. The prime minister is the **leader of the Lower House**.
2. He advises the president with regard to **summoning and proroguing** of the sessions of the Parliament.
3. He can **recommend dissolution** of the Lok Sabha to the president at any time.
4. He **announces government policies** on the floor of the House.

## Other Powers and Function:

- 1. He is the **chairman** of the National Development Council, National Integration Council and Inter-State Council.
  - 2. He plays a significant **role in shaping the foreign policy** of the country.
  - 3. He is the **chief spokesman** of the Union government.
4. As a leader of the nation, he **meets various sections** of people in different states and receives memoranda from them regarding their problems, and so on.
5. He is the **crisis manager-in-chief** at the political level during emergencies. He is leader of the party in power and the political head of the services.

# Minimum Government, Maximum Governance

- ❖ There are more than 50 ministries at the government of India. It has the **advantage** of specialisation, focus and resource channelisation but it also has the **disadvantages** of **lack of coordination and inability to adopt an integrated approach** to national priorities and problems.
- ❖ The **number of members of the Council of Ministers** is now specified in the Constitution. As per the **constitution (91st Amendment) Act, 2003** the total number of Ministers, including the Prime Minister, in the Council of Ministers shall **not exceed 15%** of the total number of members of the House of the People (Lok Sabha). All the Ministers do not belong to the same rank.

# Debate regarding the size of Council of Minister

Plutus IAS

# Arguments for More number of ministers

1. **Need to accommodate MPs** from different regions and states to give a sense of inclusivity.  
Coalition compulsions.
2. Caste and religion **representation** also play an important role in India.
3. Some vulnerable sections of society **need extra and dedicated attention** from the government.  
Ex. Women, Child, Minority, Tribes etc.
4. **Dedicated attention** required to a particular sector which requires utmost importance. Ex  
Ministry of Skill.
5. For **better work distribution** and increased efficiency of the government.
6. With **new advancements** new sectors are emerging. Ex: Artificial intelligence may require a separate ministry to deal with.

# Arguments for Less number of ministers

- 1. Coordination:** For example, different aspects of transport are dealt by different Ministries like Railways, Civil aviation, Shipping, etc. It has been fragmented into multiple disciplines making the necessary integrated approach to this important sector difficult. Similarly initiatives like 'Housing for All' often require approvals from Ministries of Defence, Environment and Forests, Civil Aviation etc.
- 2. Less government:** It reduces complexity in government functions and fast forwards the policy implementation.
- 3. Reduced red-tape:** Multiple approvals required for any project falling under more than one ministry.
- 4. Reduce expenditure:** To sustain a full ministry is a costly matter, so by reducing we can use resources efficiently.
- 5. Federalism:** In many regards there is demand for more decentralisation, so fewer ministries will help to achieve it.

**Reduce clashes:** At political level, more ministries become cause for political tussle especially in

# Way Forward

1. It would also be unrealistic to expect **curtailment in the size of the Council of Ministers in a multiparty democracy**. Instead, a more **pragmatic approach** would be to increase the level of coordination by providing for a senior cabinet minister to head each of the 20- 25 closely related departments.

2. In order to ensure better implementation of policies and coordination, we should **merge similar and complementary ministries into one**. This will allow policymakers to frame holistic and comprehensive policies on the one hand and ensure smooth implementation on the other.

- ❖ Currently, **three ministries in the energy sector**—power, petroleum and natural gas, and renewable energy **can be fused into a single ministry**. The recent problem of power plants being built without proper coal supplies could have been avoided if the policy had been handled by one minister.
- ❖ Similarly **integrate** the aviation, railways, roads, and shipping ministries so that the country gets an integrated transport strategy rather than the current mess.
- ❖ Can bring the pharmaceutical department and Ayush Ministry under the health ministry.

# Way Forward

- 3. Several ministries**, which are irrelevant now, can be **shut down** while some of their tasks can be handed over to independent regulators.
- 4. Set up technocratic missions** that have very specific projects which can be best dealt through commissions. Ex. The mission for cleaning the Ganga, building new cities, setting up high-speed rail links.
- 5. The office of cabinet secretary** should be used with greater efficiency.
- 6. Privatisation and disinvestments** of loss making public sector enterprises is also useful in restricting the number of ministries and departments in the post liberation period. This will enable governments of the day to streamline ministries and departments and retain only those which have direct relevance for core governance functions.
- 5. Creation of umbrella ministries** like Jal Shakti and housing and urban affairs ministry by the government is a good step in the right direction.

# PRIME MINISTERS OF INDIA



**Jawaharlal  
Nehru**  
Aug 15, 1947-  
May 27, 1964



**Gulzari Lal  
Nanda\***  
May 27-Jun 9,  
1964



**Lal Bahadur  
Shastri**  
Jun 9, 1964-  
Jan 11, 1966



**Gulzari Lal  
Nanda\***  
Jan 11-Jan 24,  
1966



**Indira  
Gandhi**  
Jan 24, 1966-  
Mar 24, 1977



**Morarji  
Desai**  
Mar 24, 1977-  
July 28, 1979



**Charan  
Singh**  
July 28, 1979-  
Jan 14, 1980



**Indira  
Gandhi**  
Jan 14, 1980-  
Oct 31, 1984



**Rajiv  
Gandhi**  
Oct 31, 1984-  
Dec 2, 1989



**Vishwanath  
Pratap Singh**  
Dec 2, 1989-  
Nov 10, 1990



**Chandra  
Shekhar**  
Nov 10, 1990-  
June 21, 1991



**P. V.  
Narasimha Rao**  
June 21, 1991-  
May 16, 1996



**Atal Bihari  
Vajpayee**  
May 16-June 1,  
1996



**H. D. Deve  
Gowda**  
June 1, 1996-  
Apr 21, 1997



**Inder Kumar  
Gujral**  
Apr 21, 1997-  
Mar 19, 1998



**Atal Bihari  
Vajpayee**  
Mar 19, 1998 -  
May 22, 2004



**Manmohan  
Singh**  
May 22, 2004-  
May 26, 2014



**Narendra  
Modi**  
Sworn in on  
May 26, 2014

(\*Gulzari Lal Nanda was interim PM on both occasions)

# Changing Role of PM in the Age of Coalition Politics

- ▶ Bound to follow the **Common Minimum Programme**
- ▶ Bound to **take Political Parties along side**
- ▶ **Not independent enough** in the formation of Council of Ministry
- ▶ Important decisions are taken by the **Co-ordination Committee** made by the partner parties

# Is the Coalition government : A threat to democracy?



# Coalition Government

- ❖ A coalition government is one in which multiple political parties cooperate when no party on its own can achieve a majority in the Parliament.
- ❖ It can also be created in a time of national difficulty or crisis.
- ❖ It gives a government the high degree of perceived political "legitimacy or collective identity it needs, while also playing a role in" diminishing internal political strife.

# Coalition

# Government

## Merits of Coalition Government

- ❖ **Encourages spirit of power sharing:** Regional aspirations are fulfilled or considered.
- ❖ **Does not allow power to remain in single party:** Consensus or majority based decision are taken considering views of every party
- ❖ **More responsible government:** Checks tyrannical attitude of government.
- ❖ **Greater Representation:** Smaller regional parties to

# Coalition Government

## Demerits of Coalition Government

- ❖ **Unstable** government.
- ❖ **Time consuming** process of decision making.
- ❖ **Sometimes National interest** is kept aside for accomplishing regional interest.
- ❖ Government cannot **voice its opinions** properly.
- ❖ **Appeasement policies** are considered rather

# Can Indian PM become a Dictator?

**Q. To what extent can  
Parliament control the powers  
of the Prime  
Minister?**

## There are number of **constraints on PM:**

- ❖ Control of **Parliament**
- ❖ Control of **Public Opinion**
- ❖ Control of **Constitution**
- ❖ Control of **Press**: The Mass Media can exert huge pressures on any politician. They can praise or criticise, and they can also choose what part of the PMs performance should be discussed.
- ❖ Control of the **President of the political party**: He needs **Party Support**.
- ❖ Control of **Opposition**: Needs Support of House (MPs) to pass the Bill.
- ❖ Pressure Groups

**Thank  
You**

**Plutus IAS**

Plutus IAS

Plutus IAS