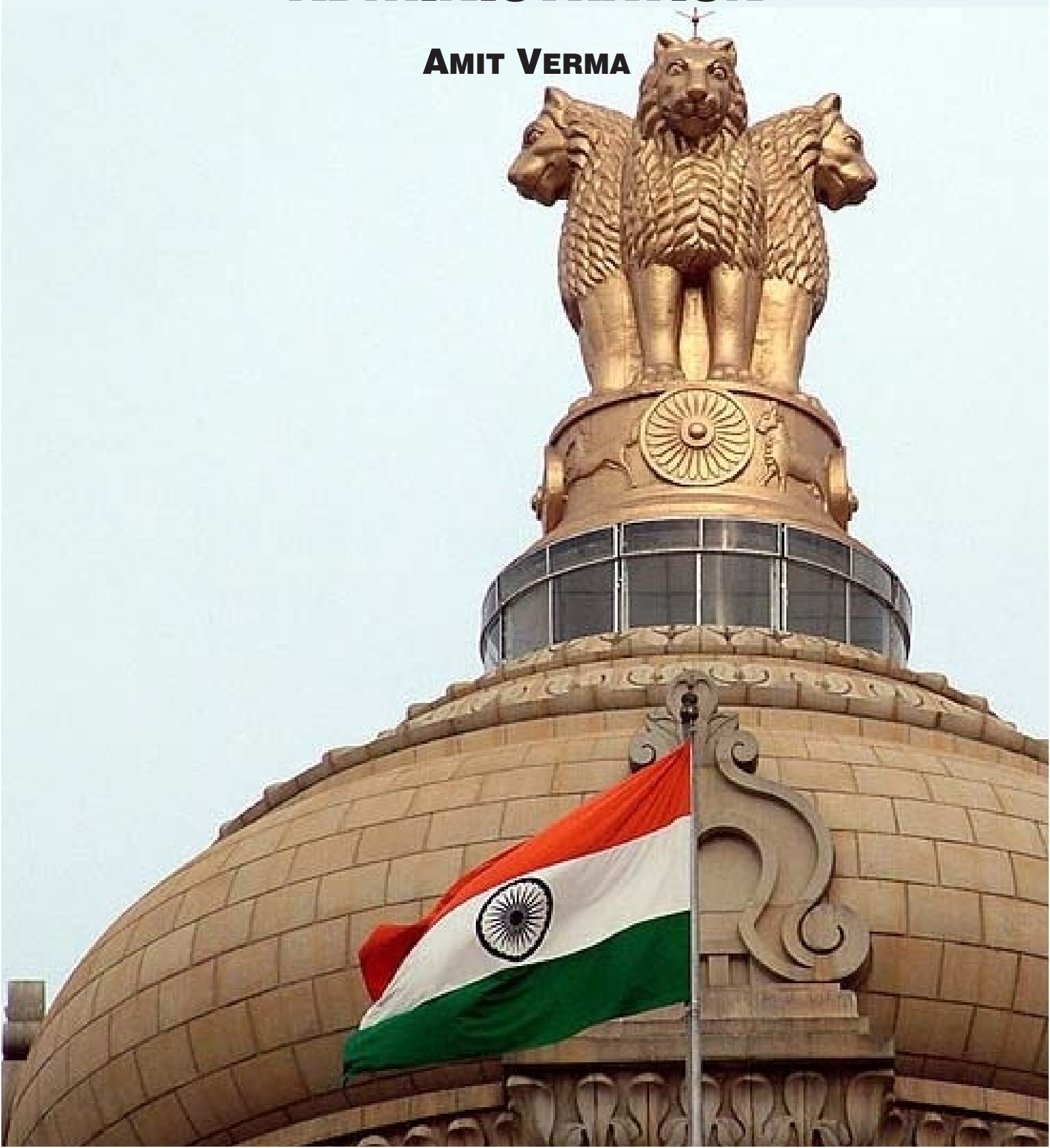


# STATE AND DISTRICT ADMINISTRATION

**AMIT VERMA**



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ADMINISTRATION**



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Amit Verma





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## CHAPTER 1

### INTRODUCTION TO STATE ADMINISTRATION IN INDIA

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Amit Verma, Associate Professor  
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India  
Email Id- [amitverma2@gmail.com](mailto:amitverma2@gmail.com)

#### ABSTRACT:

Our Constitution's first clause reads that "India, that is, 'Bharat,' shall be a Union of states." In the US Constitution, the word "Union" has been used to mean "Federation." The Union, however, is not a federation as defined by the US Constitution under our Constitution. The dual government, the division of powers between the federal and state governments, the supremacy of the Constitution, and the ultimate power of the courts to interpret the Constitution are only a few of the traits of a Federation that the Indian Constitution possesses. On the other hand, there are a number of unitary aspects, such as a single citizenship, a single judicial system, integrated electoral, accounting, and auditing systems, the authority of the union government to supervise state governments in emergencies and to some extent even in normal times. As a result of these characteristics, our Constitution establishes a quasi-federal polity. Granville Austin, on the other hand, referred to our Federalism as "Cooperative Federalism" because the Union government and the state governments had to work closely together. This article's goal is to place the study of state administration in its right context, not to go into great depth about the nature of the Indian Federation. Therefore, knowing that our Constitution calls for a two-tiered structure of government, with one at the Union or Central level and the other at the state level, is sufficient for us. The Constitution specifies the roles and responsibilities of the federal or union government and the state governments. Both the federal government and the state governments run their affairs separately. Of course, certain responsibilities overlap with others, and there are some supervisory capabilities. In this study we examine the constitutionally mandated duties that the state governments are responsible for carrying out as well as how the state administration is set up to carry them out.

#### KEYWORDS:

Emergency Powers, Federal Government, State Administration, State Government, Union States.

#### INTRODUCTION

As was already established, the Constitution serves as the direct source of authority for both the Union government and state governments. According to Article 246 of the Constitution, the Union and the States share legislative authority three ways. The subjects are broken down into three lists in Schedule VII of the Constitution. List I, also known as the Union List, contains the topics over which the Union has exclusive legislative power. In a similar vein, List II, often known as the State List, includes topics over which the state has sole legislative authority. There is one more List (List III), referred to as the Concurrent List, which includes topics over which both the Union and states have legislative authority[1]. The Union now has the remaining authority. We will now briefly go through List II and List III, which list the topics that the states have exclusive or joint jurisdiction with the Union over.

#### State List:

61 items on the State List fall under the sole purview of the states. Public order and police, agriculture, forestry, fisheries, public health, local government, and other significant ones are only a few. These are issues that the public is most concerned about and which are best handled at the state level. These topics typically fall under the sole purview of the states, however under the following conditions, the Parliament may pass laws related to them[2].

- i) The Council of States may, in the interest of the country, authorize the Parliament to pass laws by passing a resolution with the support of two-thirds of the members present and voting. With

the consent of two or more states, the Parliament may legislate on a state subject with regard to the consenting states;

- ii) Under a proclamation of emergency, the Parliament may legislate on a state subject; and
- iii) Parliament has the authority to legislate with reference to any subject (including a state subject) for the purpose of implementing treaties or international agreements.

### **Concurrent List:**

47 items on the Concurrent List are subject to concurrent jurisdiction by the national and state legislatures. The crucial ones include: Social and economic planning, marriage, trusts, civil procedure, insurance, and criminal law and procedure[3]. While both the Union and the states are allowed to pass legislation on any of the issues on the Concurrent List, the Union Legislature is given priority. It means that when a state law and a federal law conflict on a given issue, the federal law takes precedence. However, if the state law was reserved for the President's assent and has got that assent, the state law may still prevail notwithstanding the repugnance; however, the Parliament would still be able to overrule that state law through subsequent legislation. The courts will resolve any disagreements on how the entries in the three lists should be interpreted. The following guidelines were adhered to in this interpretation:

- i) Predominance is to be accorded to the Union Legislature in cases where a subject appears on all three lists.
- ii) Each entry is given the greatest weight that its terms will allow;
- iii) The "pith and substance" of a particular legislation is taken into account when determining whether it fits under one entry or another[4].

### **Power Shares in the Executive**

Typically, the distribution of legislative and executive powers occurs in that order. This indicates that the state government has executive authority over matters included on the State List. However, the executive authority over matters on the Concurrent List often stays with the state governments, with the following exceptions:

- i) When a legislation passed by Parliament related to certain matters vests some executive authority in the Union, as in the instance of the Industrial Disputes Act of 1947.
- ii) In cases where the Constitution's provisions confer executive authority on the Union, such as when a treaty or other foreign obligation must be carried out[5].

## **DISCUSSION**

### **Governor's Role:**

The Parliamentary system of government is guaranteed by our Constitution both at the federal and state levels. The Governor, who is the state's constitutional head of government, follows the Chief Minister-led Council of Ministers' recommendations. He is chosen by the President to serve a five-year term and is in office at the President's pleasure. After serving as governor of either the same state or another state, he is eligible for reappointment[6].

The Governor is granted numerous executive, legislative, judicial, and emergency powers under the Constitution. For instance, the Chief Minister is chosen by the Governor, who also recommends the Council of Ministers. He appoints numerous other people, including members of the State Public Service Commission, the Advocate General, and editor civil servants, among others. In actuality, he is the one who oversees all state executive functions.

Government regulation The State Legislature includes the Governor. He has the authority to address, summon, and prorogue the State Legislature as well as dissolve the Lower House. He must provide his



consent in order for any legislation voted by the Legislature to become a law. He has the option to refuse to sign the legislation approved by the legislature and send it back for revision. The Governor must sign it if it is passed once more, whether or not it is modified. He may also put any State Legislature-passed Bill on hold until the President has given his approval. Even when the legislature is not in session, the governor has the authority to enact an ordinance. The Governor even has the authority to pardon, reprieve, respite, remit punishment, suspend, remit, or commute the sentence of anyone found guilty of breaking any law pertaining to an issue to which the state's executive jurisdiction extends.

As for the governor's emergency powers, they allow him to notify the president anytime he is satisfied that a situation has developed in his state that prevents the state's administration from proceeding in line with the Constitution's provisions. The President may assume the powers of the state administration upon receiving such a report and may reserve the powers of the State Legislature for the Parliament (Article 356).

### **Governor's Discretionary Action:**

As was previously said, the Governor must act in accordance with the Council of Ministers' recommendations. Therefore, he doesn't have a lot of leeway in how he uses his authority as long as a reliable Ministry has the Assembly's support. This isn't always the case, though. The Governor might then be asked to use his judgment. The Governor's office has become the most contentious constitutional office in the nation as a result of this use of authority[7].

#### **i) Chief Ministers are appointed**

The Chief Minister and the Council of Ministers are chosen by the Governor with his advice. whenever a party with a majority vote chooses a leader. The Chief Minister must be chosen by the Governor, who must also extend an invitation to him to form the government. When neither political party holds a complete majority in the legislature, issues start to surface. Here, the Governor's judgment is relevant. For instance, the Congress Party was the single-largest party in the Madras assembly in 1952, but it did not hold an outright majority. Even yet, Mr. C. Rajgopalachari was invited to form the government as the head of the biggest party by the governor, Mr. Sri Prakash. However, West Bengal did not adhere to this idea in 1970. The CPM, which was presided over by Mr. Jyoti Basu, was the dominant force in the West Bengal Assembly. Mr. Basu was asked by the governor, Mr. S.S. Dhavan, to certify his age. Mr. Basu was adamant about convening the Legislative Assembly and demonstrating his majority on the House floor. He finally was not given the opportunity to establish the administration by the Governor. On the grounds that this was carried out under the direction of the Congress government, which was in power at the time at the Center, the opposition to Congress criticized this action. However, different governors have applied different standards in the same situations.

#### **ii) A Ministry is dismissed**

A Chief Minister and his Ministry serve at the Governor's pleasure and are not accountable to anyone. The Governor must, however, use his discretion wisely. There is a perception that the Governors have not followed through on this. For instance, the Ajoy Mukherjee Ministry was ousted by the Governor of West Bengal, Mr. Dharma Veera, in 1967 on the grounds that he had failed to convene an assembly meeting within the allotted period for demonstrating the majority. Many legal experts who believed that it was the incorrect convention to establish sharply criticized the conduct. It would have been much preferable to establish the rule that, in the event that the Chief Minister declines to do so, the Governor may summon a meeting of the Assembly in order to test the majority of the government. The governor allegedly made a conscious attempt to violate the Constitutional Profile in order to support the center-right party, according to the opposition. According to State Administration, a Ministry's fate should only be decided by the Assembly, which alone should decide whether or not the Governor would possess the trust of the Ministry[8].

**Resolving the Assembly:**

In the British Parliamentary Democracy, the king follows the Prime Minister's recommendations when it comes to dissolving the House of Commons.

The Chief Minister's counsel should also be followed by the Governor when deciding whether to dissolve the Assembly. Unfortunately, India does not have such a convention in place. For instance, Mr. Gurnam Singh, the Chief Minister of Punjab, requested the Governor to dissolve the Assembly in 1967. The Governor rejected his advice on the grounds that the Assembly shouldn't be dissolved as long as a government can be formed. The same thing happened to Mr. Charan Singh's recommendation to dissolve the Assembly to the Governor of U.P. in 1968. The Chief Minister of the U.P., Ms. Mayawati, recommended that the Assembly be dissolved to the Governor in 2003, but the Governor rejected the suggestion on the grounds that the party in power had lost the majority. The Governors, according to the opposition parties, have a history of acting in accordance with the Central Government's desires.

**Utilizing Emergency Powers:**

Additionally, it has been claimed that the Governors failed to exercise their discretion responsibly when urging the President to invoke the emergency powers granted to him by Article 356 of the Constitution. The Kerala Governor informed the President in 1959 that the state's government could not continue in accordance with the Constitutional provisions because of a breakdown in law and order. The President removed the first non-Congress state administration in the nation based on this report, which received harsh criticism from all facets of the opposition. The governors of J&K and Andhra Pradesh in 1984 confirmed the numerical support of the ruling (non-Congress) parties in the Assembly and hastily recommended the dismissal of the state governments on the grounds that these governments could not be maintained in accordance with the Constitution in the absence of stable majorities. In either scenario, there was no test of the majority government on the Assembly floor. In the instance of Andhra Pradesh, even the math of the numbers turned out to be erroneous. There were open claims that the Governors in these situations attempted to make the state governments a minority.

**Legislative Control of the Executive:**

In addition to giving the executive branch the support it needs on legislative matters, the Legislature also serves as a tool for citizen oversight of government. This control is exercised in a parliamentary democracy like ours in the following ways:

The Assembly members are entitled to ask the government questions. Additionally, they are free to ask inquiries. This tool keeps the government alert. Every time a flaw is found, the government is required to make promises and act to fix it. The members may request critical topic conversations in addition to asking questions.

On significant public issues, they may also submit Call Attention Motions and Adjournment Motions. Even if such motions are denied, the government must provide a lot of material, and there is still discussion. Again, the government is kept under check and is required to respond to the elected officials.

**Constitutional Characteristics of State Management:****Government regulation Budgetary Financial Control**

Without the Legislature's approval, no funds can be raised or expenses spent. The Legislature has the power to veto spending, which allows it to oversee government policies and initiatives. It is true that the administration may ultimately pass the legislation it desires due to its majority in the Legislature, but a lot of discussion occurs along the way[9]. As a result, the government remains aware of the needs of the populace. The discussion also reveals the administration's shortcomings in carrying out the approved programs.

**Post-expenditure Management:**

Through the use of audit, the State Legislature also carefully examines the costs incurred by the government. Our Constitution establishes a system of integrated accounts and audits. The state government's financial records are audited by the Comptroller and Auditor General of India (CAG), who then presents his findings to the Assembly via the Governor. This report is read, examined, and then reported to the Legislature by the Public Accounts Committee of the State Legislature. Thus, any instances of unauthorized, unlawful, or wasteful spending are thoroughly addressed and brought to the Legislature's attention so that it can keep a close watch on the executive branch.

**Control via parliamentary committees:**

Other committees include the Estimates Committee, Committee on Public Undertakings, Committee on Assurances, and others in addition to the Public Accounts Committee already mentioned. These committees look into many elements of how the government operates and offer helpful recommendations. Additionally, they criticize the government for its shortcomings and alert the public and the legislature to these shortcomings. This is a useful tool for exerting control over the administration because the Assembly is too cumbersome a body to thoroughly analyze how the government operates.

**Ministerial Authority:**

The Legislature's most important role is to uphold ministerial responsibility. The political executive is a component of the Legislature in a Parliamentary form of government and is always answerable to it. A vote of no confidence in the government or simply a rejection of its budget or any other important legislative proposals can result in its ouster at any time. Since the legislative branch of government is always answerable to the political executive, the ministers serve as an intermediary between the administrators and the legislature. Despite these safeguards, there is frequently a perception that the government is not attentive enough. On the other hand, it is said that legislative supervision, particularly that exercised through audit, is overly strict and saps administrators of their initiative[10].

The Chief Minister performs for the state government the same duties as the Prime Minister carries out for the federal government. The Chief Minister now plays a very special role in the exercise of this executive power, even if the Council of Ministers still holds the actual executive power of the state. Although he is not first among equals, he is the driving force behind the state's executive branch of government.

The Governor appoints the Chief Minister, who serves at his leisure. The Governor, however, only has a ceremonial role in these affairs when one political party holds an absolute majority in the Assembly. As long as he has the Assembly's support, he must invite the leader of the majority party to form the government and cannot remove him. The only possible exception is if the majority party in the Assembly changes its leader. Of course, during times of unrest when no one party can claim an absolute majority in the Assembly, the Governor does have considerable discretion in certain situations.

**The Chief Minister's Authority in Relation to the Ministerial Council:**

The Chief Minister serves as the Council of Ministers' president. The Chief Minister's role has grown stronger in relation to his Council of Ministers over time. He must allocate portfolios to each of his ministers and has the discretion to replace such portfolios at any time. In order for his Council of Ministers to operate effectively, he acts as its coordinator. He must verify the coherence of the decisions made by the various departments. In front of the Assembly, he must represent and lead his Council of Ministers.

In other words, he has to make sure that the Council of Ministers is accountable to the State Assembly as a whole. Despite the fact that these are the responsibilities of individual ministers, the Chief Minister sets the agenda for the Cabinet and has a significant impact on its choices. Additionally, the Chief Minister advises the Governor when appointing the Council of Ministers, and the ministers serve at the Governor's pleasure. Because of these regulations, the Minister actually serves at the Chief Minister's discretion. The Chief

Minister's authority over his ministers and ultimately the Council of Ministers has been significantly increased by his ability to remove them at will and modify their portfolios.

Additionally, it must be understood that the political climate of the state affects the Chief Minister's authority in respect to his Council of Ministers. The Chief Minister becomes extremely powerful and the ministers are terrified of him if a cohesive party wins an absolute majority in the Assembly. In the event of a statewide regional party, his influence is further increased because he is not subject to the national leadership's rules and regulations. If a Chief Minister leads a coalition government or a party with many factions, his position will be diminished. In each scenario, he or she must strike deals in order to maintain harmony among the coalition allies or diverse party factions.

There is no mention in the Constitution regarding the Chief Minister's authority in connection to the Governor. In order to allow the Chief Minister to be involved in the selection of the state's governor, a convention was sought to be organized. In many instances, the Union government did not even adhere to this. The ability for the Governor to execute the state's executive power is the only other authority that can be deduced indirectly from the Constitution. All of the Governor's public appearances and statements at such events must adhere to the directives established by the Council of Ministers, which is presided over by the Chief Minister. The yearly speech before the Assembly and the Governor's speeches at ceremonial events both require Cabinet approval.

#### **Relationship between the Chief Minister's Authority and the Legislature:**

The Speaker of the House is also the Chief Minister. In addition to holding this official role, the Chief Minister gives the House true legislative leadership by establishing the agenda for legislation. After receiving the blessing of the Council of Ministers, which is presided over by the Chief Minister, the proposed legislation is presented to the Assembly. It's true that private members have the ability to introduce bills to the Assembly.

But the likelihood of such being successful is slim. The private members lack the quantity of knowledge that is available to the government, despite the fact that it has the support of the majority party. In addition to creating the legislative schedule, the Chief Minister is responsible for updating the Assembly on the various operations of the government by responding to inquiries, issuing comments, interjecting during debates, etc.

#### **Chief Minister's Authority in Relation to the Executive:**

The Chief Minister is in charge of the state bureaucracy because he is the head of the political executive. He is supported in this role by the Secretariat, which is run by the Chief Secretary. All senior appointments, such as those for Secretaries and Joint/Deputy Secretaries, are approved by him. Department heads, chairs, and managing directors of public sector organizations, etc. He manages their working conditions and disciplinary issues through his Cabinet. He serves as their leader to ensure productivity and morale. He must simultaneously keep an eye on their performance through administrative channels in addition to his own sources, such as party employees, grievances from harmed parties, direct observation during tours, etc.

### **CONCLUSION**

Different people have referred to our Constitution as federal, federal with a unitary tilt, or unitary with a federal bias. Without getting into detail about these definitions, it can be said that our Constitution establishes a system of functional separation between the federal government and the state governments, with a sizable amount of overlap between their duties. While the Union government has exclusive jurisdiction over goods listed in the Union List, the State Legislature has exclusive jurisdiction over those listed in the State List (Schedule VII of the Constitution). Both may pass legislation on topics on the Concurrent List, with Union Law taking precedence in cases of repugnance. The Governor is the constitutional leader of the state under the Parliamentary system of government that we have adopted at both the federal and state levels, but the Council of Ministers, which is presided over by the Chief Minister,

actually exercise real executive authority in his place. The Governor must, however, exercise his discretion when it comes to significant issues like the appointment of Chief Ministers, the dismissal of Ministries, the dissolution of the Assembly, the suggestion of President's rule, etc. during times of unrest when no party can win an absolute majority in the Assembly. We have covered the constitutional foundation of state government in this chapter. The State List and Concurrent List powers of the state governments have been made apparent. The governor's position and that of the State Council of Ministers have also been covered. The Chief Minister's authority—who serves as the state's true executive—has been dealt with in a straightforward manner.

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## CHAPTER 2

### STATE ADMINISTRATION IN INDIA: PROBLEMS AND VIEWPOINTS

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Sourabh Batar, Assistant Professor  
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India  
Email Id- [battarsourabh@gmail.com](mailto:battarsourabh@gmail.com)

#### **ABSTRACT:**

Federalism is a political device used to achieve a balance between regional aspiration and national necessity. It affects center-state relations and generates their peculiar challenges. This equilibrium is not static but rather changing. The Indian Constitution's drafters lacked the freedom of the American Constitution's drafters, who had simply a proclamation of a few guiding principles. In contrast, the Constituent Assembly of India carefully adhered to the strong unitary bias of the Government of India Act, 1935, within which it operated. India was unitarily governed from 1773 till the year of its independence in 1947, which allowed it to develop a solid unified memory. In fact, India's entire body of administrative folklore was unitary and supportive to the Central Government. The partition-based psychology of the period served as a potent reinforcer of this society. This chapter relates to immediate context for India's constitution-making in India was influenced by the partition of the country, which was followed by rioting in various regions of the nation and Pakistani aggression in Jammu and Kashmir. The Indian Constitution was truly born in the 20th century.

#### **KEYWORDS:**

Center-State Relations, Constitutional Framework, Federalism, Sarkaria Commission, State Administration.

#### **INTRODUCTION**

The seeds of conflict have always been present in state relations in India partially results from the decisions taken inside the Constitution. Contrary to the federal ideas originally advanced under the Cabinet Mission Plan, the Indian Constitution made the states profoundly dependent on and subject to the center in a number of respects[1]. The Indian Constitution's legislative, administrative, and financial frameworks provide unequivocal evidence of the prevailing centrist constitutional culture of 1947. The Constitution's system of distributing legislative powers was created to balance the demands of variety with the impetus of a shared national endeavor. It is built on the ideas of federalism with a strong and unbreakable union. The Union List (97 items), State List (66 items), and Concurrent List (47 things) are the three lists that make up the Constitution's three-tiered division of legislative authority. The legislative realm is defined by Articles 245 and 246 and is subject to the overall system's guiding principle the Union's supremacy. The Concurrent List enables two legislatures the Union and the State to pass laws on the same issue.

In a dispute, the repugnancy rule, as stated in Article 254, is applied to defend the idea of Union Power. Twenty of the 66 provisions the Constitution grants the states are related to taxes or other payments. Direct responsibility for matters of regulation and development rests with the state governments. In other words, the state has direct control over both the regulatory administration and the development administration. The states are in charge of the regulatory administration first, which includes maintaining peace and order, the police, the courts (aside from the Supreme Court and the High Court), etc.

Additionally, all crucial components of growth administration make up their direct charge[2]. Agriculture, animal husbandry, education, public health, prohibition, cooperatives, forests, communication, irrigation, fisheries, industry (defined categories), weights and measures, etc. are only a few of the topics that the states deal with.

### **Authority of the Center:**

The supreme position of the center in relation to the states is all too obvious, and in this regard, the Constitution's founders were driven by an overriding urge to maintain the states dependent upon the center in order to fend off any challenge from them to the national integrity. There isn't anything in the Constitution that can be deemed strictly inviolable as it relates to the states. It contains the state list of topics, but if the Rajya Sabha gives its permission to do so with a two-thirds majority, the national Parliament is given temporary legislative authority over any topic in the list. If the house approves a resolution<sup>2</sup>, the parliament may establish new all-India services. This option has been used twice since 1950. Additionally, the state government must execute its executive authority in a way that ensures adherence to the legislation established by the Parliament. To this purpose, the center has given itself the authority to give the lower government the appropriate instructions.

The will of the center is made to become the will of the state government in a few specific circumstances, such as the protection of railways and means of communication with significant military or national importance. The President, who represents the federal government when he appoints governors, has the authority to reserve a state legislature-passed bill for the consideration of the President, who has the right to veto it without giving any explanation.

### **Emergency:**

When a state of emergency is declared in the nation, as was done in 1962, 1971, and 1975, the center's already broad powers become even more sweeping. A constitutional clause that allows the center to even supersede state governments has been used no less than 46 times since 1950. According to Article 3, the Parliament may create new states, increase or decrease the size of existing states, and change the names of existing states through legislation<sup>[3]</sup>.

The imbalance between the center and the states was already present, but the 42nd Amendment, passed during the internal emergency (25 June 1975–23 March 1977), further tipped the scales in the center's favor. In response to a danger to law and order, the center now has the unrestricted authority to send troops into any of the states. One of the vilest aspects of the subversive amendment is this. Even earlier, such a move might be made, but only if a certain state was disobeying the Constitution or incapable of governing itself. The change, however, gives the center the authority to send troops into a state regardless of any constitutional violation or threat to the state's stability; in other words, the center is now able to take over the state according to its own standards.

### **States' susceptibility:**

Since the Constitution's inception, the States' general vulnerability to the center has, if anything, increased, which can be primarily attributed to four elements.

- i) First of all, despite the Constitution's provision for a finance commission to recommend transfers of financial resources, the states typically feel that their financial situation is precarious, if not unstable, due to the imbalance between the responsibilities assigned and the resources available.
- ii) Second, the country's embrace of socioeconomic planning since 1950 has increased the states' dependency on the federal government. This is best exemplified by the Planning Commission's rise into an overtly prominent role, which was established in 1950. The numerous five-year plans have increased the quantity, variety, and scope of activities, which has raised public spending and increased the states' dependence on the federal government.
- iii) Thirdly, the fact that the Congress Party remained in power for an uninterrupted period of years (1950–1977) at both the national and state levels of government (aside from brief stints in a few states) had a tendency to frequently obfuscate the constitutionally defined distinction between the two levels of government and to delegate any center-state issues that arose to the party network for resolution.

The answers sought were therefore political, and the connection between the center and a given state came to be heavily influenced by the characteristics of its political leaders and their relationship to the leadership[4]. Under such circumstances, the States' position was steadily being undermined since, over time, the political leadership of the States lacked any lofty grandeur and even depended on favor from the Center, especially from Indira Gandhi, for its existence and strength. Such a system was not conducive to the development of equality, and as a result, the states generally developed traditions of submission to the central government.

The higher service itself is the fourth element affecting the Center state relationship. Despite the fact that India is a federation, the relationship between the civil service at the two levels appears to be hierarchical for institutional, psychological, and human factors. Members of the all India services are known to alternate between serving the central government and the state (to which they were assigned at the time of their enlistment), and a position with the federal government is typically thought to be more desirable. The strength and pervasiveness of this attraction tends to direct administrative behavior and action. When interacting with the central bureaucrats, the state civil employees often want to present a proper image. In other words, the state-level civil service behaves in a servile manner and is overly accommodating to requests from the center.

### **Call for Restructuring of Center-State Relations:**

Restructuring of the center-state relationship has been demanded, with the overarching goal of removing the states from their current situation of undue dependence and subordination 64 Odisha Review November - 2012 and giving them a larger share of power and authority. This demand has been around for a while, but it was organized after the 1967 election when non-Congress parties took over in various states[5]. Tamil Nadu, West Bengal, and Jammu & Kashmir have been the most ardent proponents of this demand since the 1977 assembly election, however it is not exclusive to the trio. JyotiBasu, the chief minister of West Bengal, has openly called for the states to be given more authority, claiming that their current level of authority prevented them from making any significant changes to the socioeconomic makeup of the state.

## **DISCUSSION**

### **Center-State Relations Sarkaria Commission:**

The Commission did not approve of active politicians being installed as governors, and the Report greatly relied on the position of the governor because it saw him as the essential official responsible for ensuring friendly ties between the Central and State. Eminent individuals who are not residents of the state should be chosen as governors[6]. The Sarkaria Commission focused on the contentious section of the Constitution known as Article 356 that deals with the President's Rule in the United States. It aimed to mend it rather than propose ending it. After a presidential proclamation has received the appropriate warning and been taken into consideration by the Parliament, Article 356 should only be utilized rarely. The Sarkaria Commission suggested a four-step process outlining the order of preference for the Chief Minister's appointment. The Commission's principal goal was to improve relations between Washington and New Delhi. A total of 247 suggestions were made by the Sarkaria Commission, 24 of which were rejected, 10 of which were deemed to be partially irrelevant, and 36 of which were accepted with revisions. According to reports, 119 recommendations have the full support of the government.

In India, the States frequently lament the lack of financial resources at their disposal. Generally speaking, there are three ways that resources can be transferred from the Center to the State. The first is the Finance Commission, which is established under the constitution and establishes the formula for allocating tax income. The second is the Planning Commission, which, in accordance with Article 282 of the Constitution, allocates funds for specific sectors, and the third is what the Indian government designates as "other transfers." An executive resolution was all that was needed to create the Finance Commission. The Finance Commission, regrettably, finds itself reduced to the level of a body that merely determines the revenue gap of each State and provides for its filling up through a scheme of devolution - of - grants - in -



aid and sharing of taxes and duties. However, the latter has emerged as a more powerful body restricting in practice the scope and functions of the Finance Commission. The Finance Commission was supposed to be the most active and strong organization in India for regulating Central-State financial interactions, therefore this is obviously against what the constitution's authors intended. Additionally, the Finance Commission's current strategy is incredibly biased. It has the ability to assess the States' financial needs, but it is not empowered to assess the Centre's needs and recommend funding to it. In other words, the Center imposes a form of discipline on the units that is not imposed on it.

It is urgently necessary to overhaul the process for choosing state governors. The Governor shouldn't be viewed as a spy sent by a political party into a State. One must keep in mind that he is just as dedicated to upholding his oath of office as any other constitutional functionary. The position should only be filled by someone who has demonstrated competence, objectivity, and knowledge of the Constitution. The dynamics of democracy and development have fundamentally altered the context in which the States currently operate, necessitating a thorough review of the Center-State relationship in order to give them the authority and resources they need to meet their expanding and even shifting demand patterns. It is feasible to do this without endangering the Center. It is necessary to activate the Sarkaria Commission Report, which is unquestionably a conservative document[7].

### **District Councils:**

The States Reorganization Act of 1956 established zonal councils, whose stated goal is the creation of "cooperative working" to combat the rise of acute State consciousness, regionalism, and particularist attitudes. The first Chief Ministers' Conference took place in 1946 when Vallabhbhai Patel, the Interim Central Government's Home Minister, called for the Premiers' Conference to garner support for the establishment of the "Central Administrative Service" (the IAS and the Indian Police Service). Since then, it has met annually, with the number of meetings dependent on the importance of the issues that called for the chief executives' attention as well as the preferences of the central leadership in a given year.

Development Council is the suitable place for discussing the five year plans, which are naturally excluded from the scope of topics covered by the Chief Ministers' Conference. However, it has proven difficult to tell where the two bodies separate from one another. The nation's food crisis has been often highlighted at the Chief Ministers' Conference, but the National Development Council can also be a good place to bring up this issue.

The Chief Ministers' Conference meets more regularly than the National Development Council and is called if a situation is thought to be significant enough to need the Chief Ministers' immediate attention. It typically hosts a two-day event. Other Central Ministers involved with the meeting's agenda also attend the Conference, which is presided over by the Prime Minister. The Centre and the States both submit the issues for the agenda, albeit in reality, the Centre has always taken the lead. The Chief Ministers' Conference may serve as a crucial platform for debating problems and coordinating relations between the Center and the States.

### **Intergovernmental Council:**

As a result of tense Center-State relations since 1967, a request has been made for the formation of an Inter-State Council tasked with examining Center-State Relations. Coordination of policies and their implementation become crucial in a federal polity due to the significant areas of shared interest and action between the constituent units. The formation of an institutional system to enable the coordination of policies and their implementation is contemplated by Article 263 of the Indian Constitution[8]. In accordance with the Sarkaria Commission on Centre-State Relations' advice, the Inter-State Council (ISC) was established in 1990 by Presidential Order on May 28.

The ISC has been tasked with examining and debating such topics, in which some or all of the States have a common interest, for greater coordination of policy and action with respect to that issue. The ISC is a recommending body. Additionally, it considers any additional issues of general concern to the States that

the Chairman may recommend to the Council. The Chairman of the Council is the Prime Minister. Members of the Council include the Chief Ministers of all States and Union Territories with Legislative Assemblies, the Administrators of Union Territories without Legislative Assemblies, the Governors of States under President's Rule, and six Cabinet-rank Ministers in the Union Council of Ministers who have been nominated by the Chairman of the Council. The Chairman of the Council nominates four Ministers of Cabinet rank who are invited to the Council on a permanent basis. On December 7, 2006, the Inter-State Council was last reconstituted[9].

Ten meetings of the Inter-State Council have already taken place. The Sarkaria Commission made 247 proposals regarding the relationship between the Center and the State during its first 8 meetings, and the Council gave their opinion on each recommendation. Only three recommendations remain in various stages of implementation out of the 247 made, with 65 not being accepted by the relevant Inter-State Council Administrative Ministries/Departments[10].

### **Restructuring Ideas for Center-State Relations:**

1. Articles 355 and 356: The Constitution's Articles 355 and 356 need to be changed to include safeguards to prevent abuse.
2. Governors are appointed: The Central Government's existing procedure for appointing governors has to be modified. The Chief Minister of a State shall recommend a list of three renowned individuals for the President to choose from when selecting the Governor.
3. States should be given any remaining legislative authority by adding them to the State List. On laws included in the Concurrent List, a process of consultation between the Center and the States needs to be institutionalized. The Constitution should be changed to establish clear deadlines for receiving the President's or the Governors' assent on laws enacted by the State Assemblies.
4. The Constitution should be changed to make parliamentary sanction a requirement for any international pact. It should also become a requirement that the Inter-state Council and the States discuss before signing any international agreements that have repercussions for the States.
5. All India Services: The State Governments ought to play a bigger part in the management of the All India Services Rules and Regulations.

### **CONCLUSION**

Nigeria is a pseudo-federation that has characteristics of a unitary state rather than a true federation. For India to maintain its unity, solidarity, and integrity, a strong central government is essential. In order to develop a cooperative federalism, the pattern of center-state relations in India should be based on harmony and cooperation. Some services, including those that are currently taxed by the Center, should be subject to state taxation. Central surcharges and cesses ought to be included in the pool that can be divided. To secure a fair share for the States under the proposed Goods and Services Tax, an appropriate model should be developed, notably with the Special Category States' interests in mind. There shouldn't be any conditions attached to debt relief for the States owed to the Central loans. Conditions put on the States, such as the passing of the FRBM Act, should be lifted. Particularly with regard to loans from the NSSF, debt reduction should be arranged on a state-by-state basis. The Special Category States' debt should be paid off once and for all.

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## CHAPTER 3

### INTRODUCTION TO DISTRICT ADMINISTRATION IN INDIA

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Bhirgu Raj Maurya, Assistant Professor  
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India  
Email Id- [brmourya.mourya321@gmail.com](mailto:brmourya.mourya321@gmail.com)

#### **ABSTRACT:**

The administrative apparatus in a district a three-territorial administrative unit is known as district administration. Thirty-five districts make up the geographical division of the state of Maharashtra, and each of these administrative units, or districts, has its own administrative apparatus. The District Administration is the regional division of government where all functions related to public administration are carried out. Based on the Chamber's Dictionary of the Twentieth Century. Divisions are further divided into districts. It is a section of land defined for governmental, legal, academic, and/or other purposes. To further clarify, a district is a region set apart for specific administrative purposes in the administrative sense. This chapter investigates to comprehend the ideas behind the "night-watchman state" and its Law and Order Administration or Revenue Administration manifestation. Further this chapter aids in gaining knowledge about the genesis, development, and evolution of the district administration under British authority.

#### **KEYWORDS:**

Administrative Unit, District Administration, District Administration, Night-Watchman State, Revenue Administration.

#### **INTRODUCTION**

In general, a district is a region that has been placed under a single administrative authority and is determined by the nature preferences of the surrounding social groupings. The extent of their productive interaction and practical factors to improve administrative convenience determine its boundaries. The variations in district size, both in terms of land and population, are mostly due to natural preferences and the level of the effort made to achieve local finality. As has been done in practically all Indian states, a district can be created arbitrarily by political whim[1]. India's territorial system of government is far too old, having largely adopted the Mauryan model, and neither her long line of conquerors nor her own talent have demonstrated any creativity or imaginative enthusiasm to alter it. The territorial structure consisting of the grama (revenue village), sthana (a collection of villages revenue circle or, in certain circumstances, a small taluk), and vishya (talukortahsi) was devised by the Mauryans about 2500 years ago for the administration of their vijita (empire), the Janapada (province), the ahara (district), and the pradesha (division). Districts are now India's fundamental administrative division. However, the word "administration" is derived from the Latin words "ad" and "ministrare," which mean to take care of, manage, or watch over.

The art of administration, according to L.D. White, is the coordination, cooperation, and control of several people in order to accomplish a goal or objective, as stated by E.N. Gladden. A determined action conducted in pursuit of a conscious objective is referred to as administration, which meaning to care for or manage people's affairs. According to Prof. John A. Vieg, administration is the systematic planning of events and the deliberate application of resources with the goal of achieving our desired outcomes while halting developments that are incongruent with those goals[2]. Pfiffner defines administration as "the organization and directing of human and material resources to attain desired purposes." "The core of administration is the basic service that is performed for the public," says Nigro. Examples include public safety, protection, public works, education, sanitation, social security, agricultural research, national defense, and others. According to Herbert A. Simon, "It is the activities of the group cooperating to achieve shared objectives. According to Luther Gulick, administration has to do with getting things done and achieving set goals.

Consequently, administration is the effective management and organization of a group's collective operations that are aimed at achieving predetermined goals. To "direct, guide, and integrate associated human striving toward some specific ends" is the goal of this endeavor. The management of the governmental operations inside a district is known as district administration. The government's activities include putting laws, programs, and policies into effect. The government grants the district-level officials a number of powers for this aim. The district administration makes efforts in order to achieve the objective that the state has set for itself. The district administration is a physical representation of the state.

India is a huge country with a huge population, many different cultures, a wide range of weather conditions, etc. The management of the entire nation should not be done from a single center or state since it is both impossible and undesirable. Each state is divided into districts for effective administration of the nation, and each district is further divided into Taluka or Tehsils. District, however, has evolved into a crucial administrative hub, both before and after independence. India is today split into around 450 districts as a result. Our federal democratic system's most significant administrative division is supposed to play a useful and responsible function. The district administration is now required to work toward the district's growth and create an environment where residents feel as though they are residing in a welfare state, rather than simply serving as the keeper of law, order, and the administration of justice. S. S. Khera has very well and succinctly described the goal, position, and role of the district administration when he says that is "this unit's overall administration of public affairs[3].

The way the situation is handled is that the distinct administration's roles and operations span a broad and diverse spectrum. The plans and programs for economic development and social reform in rural regions are to be carried out through the district administration. Programs for rural development have been introduced during previous Five-Year Plans. These programs include community development, cohesion, intensive agricultural development, command area development, small farmer and marginal farmer, agricultural labor development program, drought prone area program, development of women and children of rural areas, and employment programs. Additionally, in order to make the idea of decentralized planning effective, district administration is expected to create district development plans that are linked to state and national plans. In addition to performing development-related duties, the district administration also has to deal with new tasks and challenges related to land reform, public distribution systems, and a variety of welfare programs, particularly for the scheduled castes and scheduled tribes. The district administration has grown to be the most powerful institution since it is the only media that has brought the entire governmental apparatus to the people's doorstep at the local level. The success or failure of the Indian state is therefore correlated with the effectiveness of the district administration, which has so emerged as the main administrative division in India.

### **District Administration's Development:**

The current district administration began to take shape under British rule in India, despite the fact that the system of territorial administration dates back to the Mauryan era and that all following kings, from the Guptas to the Mughals and the Marathas, had their own administrative units. At the conclusion of British control, India's undivided territory was made up of eleven provinces and 250 districts. Early in their expansion, the British believed that big districts were not only advantageous from an administrative standpoint but also aided in the consolidation of their empire through the concentration of authority[4]. However, when communication and other facilities improved toward the end of their rule, they came to believe that the district, as the primary location of government operations, should be small in size. A district's average area was 11474 square kilometers, and its average population was 9,31,030.

The 'inerenants' and other officials of the East India Company handled the administration of the three Presidencies of Madras, Bombay, and Bengal. The Battles of Plasey (1757) and Battle of Buxar (1764) marked the beginning of the Company's transition from a commercial company into a territorial power. By signing the Treaty of Allahabad in 1765, the Company acquired geographical authority after the Mughal Emperor Shah Alam II granted it the Diwani powers of Bengal, Bihar, and Orissa. As a result, it gained

control over the money coming into Bengal, Bihar, and Orissa. The job of administration was ostensibly in the hands of the Nawabs, but in reality it was in the hands of two deputy Nawabs, Muhammad Raza Khan for Bengal and Shitab Rai for Bihar, who were both from Bengal and Bihar and were chosen by the Nawab on the recommendation of the Company officials. By collecting revenue, the company was able to pay the Nizam's regular annual payments of 32 rupees. The Company handled revenue-related tasks, but it didn't handle administrative ones. This division of governmental duties is known as the rural government system.

### **The Rural Government System:**

The system of rural government was adopted for a number of reasons. First, the company's directors were concerned that the assumed obligations would reduce profitability. Second, there weren't enough administrators for Bengal, Bihar, and Orissa in the company[5]. Thirdly, it was possible to inform rival foreign powers that the corporation was not expanding its territory, ensuring that their resentment would not be aroused. In other words, it served as a veil to hide Bengal's political uprising.

## **DISCUSSION**

Power was separated from accountability in the first place. Although Nawab was in charge of administration, he lacked real authority. The deputy Nawabs continued to run things, but in reality, they were under the Company's direction. Along with the soldiers, the Company also had control over the finances. The Nawab possessed authority but no real power. In these conditions, the administration started to decline. The zamindars, the administrators, and the employees of the Company ruled over the populace. Dr. Nandlal Chatterjee claimed that rather than displaying the foresight of an accountable administrator, the system demonstrated the dexterity of an astuteschemer. In Bengal, there was a catastrophic famine in 1769–1770 that killed nearly one-third of the population. The Company did little to improve the situation of the starving masses, choosing instead to watch helplessly. Instead, they used the opportunity to increase revenue. The second flaw was the lack of substantial gains for the Company. The Company had the legal authority to collect money, but its financial situation had deteriorated significantly[6]. The Directors believed that a large portion of the revenue, which was obtained through the native agents, had been siphoned off by the native agent. In 1769, English supervisors were appointed, but the situation did not get any better. Beyond their means, the Cultivators paid, but the Company did not prosper. As a result, the rural government system was a complete failure. The Rural Administration, in Kaye's words, "made confusion worse confused and corruption more corrupt." According to Professor Ramsay Muir, the rural system of government was doomed to failure from the start. First of all, private trade abuses were at their highest point ever. Second, the need for increased money resulted in blatant persecution of the rural population.

In 1772, Bengal's Governor General Warren Hastings abolished the "Rural Government" and divided the three provinces of Bengal, Bihar, and Orissa into four divisions, each with six districts. The English District Collectors were chosen by Hastings to handle income administration and collection. The local officers provided them with assistance. The highest bidders for each five-year period received the opportunity to collect revenue. In 1777, the procedure of bidding was changed to a yearly event. Calcutta created a Board of Revenue to oversee the entire revenue department. Additionally appointed were local officers to support the Board of Revenue. To combat corruption, three provinces were divided into six divisions, each of which received a council of five members. The Revenue Board member received a monthly remuneration of Rs. 3000.

### **Emergence of District Administration:**

The Rural Government system was bad for the Company since it allowed its employees to engage in extensive private trade at the expense of the Company's activities. The Company's employees were told not to engage in private business. Clive believed that the Company's servants were paid insufficient wages. He requested in writing that the Company's Directors get pay increases, but they declined. He developed a large monopoly in the salt trade and started allocating the company's senior officers a graduated share of

the profits. Despite these actions, the Company was suffering significant losses. It had no choice but to ask the British government for financial support. The rural system of administration was eliminated by the British Parliament in 1773 when it passed the Regulating Act. The governor's office was established. Districts were to be created for each of the presidencies. English collectors were charged with running the district. Additionally, civil and criminal courts were formed in each district[7]. The company's covenanted servants were entrusted with the duty of administering justice. The revenue administration's top official was the collector. Later, this method was made available to the Bombay and Madras Presidency.

### **Follow-up Development:**

It was essential to take on the duty for upholding law and order after assuming control over tax and judicial administration. The collector was given magisterial authority, and he was given command of the newly formed police force. The collector was given authority over jail management toward the end of the 18th century. It became vital to maintain the prisons' cleanliness and health. The jail superintendent was given responsibilities relating to public health. The establishment of the public health department was required due to the frequency of epidemics. The public works Department was created to develop and maintain public structures. The district administration gradually took on the duties of famine relief, irrigation, agriculture, and education.

The renowned Lord Rippon Resolution of 1882 proposed establishing local self-government and changing the district administration into a local democracy toward the end of the 19th century. The Resolution called for a three-tier local government structure consisting of a district board, taluka board, and village council. It was implemented in numerous provinces and worked incredibly well. The mass nationalist movement began to take shape in the 20th century. The Civil Disobedience movement and the Trio Non-cooperation movement put a lot of pressure on the district government. Thus, upholding law and order and suppressing the nonviolent resistance became the district administration's key concerns. As a result, the collector's magisterial function grew in significance and was given additional duties. district-level employees. The 8 district administration had developed at the end of British rule into one of the four pillars of the British Empire's structure.

In conclusion, it can be claimed that British rule in India was designed to advance colonial goals, even if it meant improving the legal system, enhancing security, appointing Indians to extremely modest positions, and implementing humanitarian initiatives. The guiding principle of British administration was the Europeanization of Services in Higher Positions. A well-funded and effective bureaucracy, as well as a hierarchy of Courts, were necessary for the swift collection of taxes. Under Cornwallis and Bentinck, the district government underwent two significant rounds of changes. The Cornwallis Code established a framework for British rule in India that became known as the steel frame. District judges were to now wield the judicial and magisterial powers that had previously been performed by the Collector, who served as the administrative monarch of the district. At the Zilaeven, matters were tried by the Registrars and Munsiffs for amounts up to 50 and 200 rupees, respectively. The upkeep of peace in their territories was not to be the responsibility of the zamindars[8]. Their police forces had to be dissolved. In each district, Daroghas established a number of police circles known as Thanas, which were placed under the magistrate's control. In essence, two European officers one serving as the district's revenue collector and the other as a judge and magistrate controlled the district's administration. These posts weren't filled by Indians. Later on, even the District Superintendent of Police was an Englishman.

William Bentinck left Cornwallis' system during the second phase. Now, Commissioners in charge of a division with numerous districts were in charge of the administration. Superintendent of Police positions were eliminated. Collectors, magistrates, and judges were some of the district officers that the Divisional Commissioner had reporting to him. Bentinck appointed Indians to serve as Joint Magistrates and gave them control over subdivisions[9]. For more than 200 years, districts have served as the fundamental administrative unit in India, playing a crucial role in national governance. As the laws passed by the Union Parliament and the State Legislature, as well as the policies and programs of the Union and the State

Government, are carried out by the administrative machinery at the district level, it is considered by public administration scientists to be a "line agency" as well as the "Field organization" of the Government of India and the State Government. The district administration, on the other hand, is seen by the economist as a local planning and development organization. Political scientists view the district in terms of power, and individuals like Prof. V.M. Sirsikar see it as the epicenter of rural political and economic power as well as a system for selecting and preparing the next generation of leaders.

The views that were just presented are only a brief summary of the district and its administration. In actuality, the district administration encompasses the rural region's political scene in addition to being an administrative body and development organization[10].

### **District as a Line Agency:**

Line agencies are those that deal with giving the public services or controlling their behavior in specific arenas. These organizations are set up in accordance with their main substantive aims. They are focused on the main goals that the government was established to achieve one 'line' of authority travels downward from top to bottom. Line agencies' primary activities are those that they carry out in order to fulfill the objective for which they were established. The following are the characteristics of district as a Line agency.

- 1) The line agencies are the main organizations that serve the purposes for which they were created. By doing so, the district administrations carry out the goals of state policy.
- 2) Line agencies are responsible for managing the services. Numerous services are offered to residents of the district by the district government.
- 3) The people are in direct contact with the line agencies. The district government interacts directly with the populace and offers services to them.
- 4) The upstream agencies issue orders. The district administration sets the rules and monitors how the government operations are carried out at the village and taluka levels.
- 5) The district administration acts as the line agency for all state and federal government departments in India. District officers oversee the district offices for each of these departments. The district collector, who serves as the principal officer, oversees how these district offices are run.

### **CONCLUSION**

The overall management of public affairs within this unit is known as district administration. A district officer, sometimes known as a district collector or deputy commissioner, is in control of the district and serves as the state government's eyes, ears, and arms. India's district administration is a holdover from the British Raj. In his capacity as district magistrate, he oversaw the lower courts generally and specifically oversaw police operations. The office's "peculiar purpose" was to protect the peace while also generating income. The Zilla Parishad, the District Central Cooperative Bank, and the other cooperative groups at the district level are the most significant of these centers of power. By exerting control over these institutions, the grass-roots leadership is able to build a large support base and so maintain a permanent grip over district politics. The more ambitious district-level leaders advanced to the state level, and some of them became chief ministers, ministers, and MLAs in addition to becoming MLAs. The opportunity for grass-roots leadership in public life has been made possible by the establishment of cooperative and panchayati raj institutions. As a result, at the district, taluka, and village levels, a second line of leadership has arisen.

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## CHAPTER 4

### DISTRICT MANAGEMENT DURING THE POST-INDEPENDENCE ERA

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Yogesh Chandra Gupta, Assistant Professor  
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India  
Email Id- [cognitor.yogesh@gmail.com](mailto:cognitor.yogesh@gmail.com)

#### **ABSTRACT:**

As a result of independence, district administration underwent several structural, organizational, and functional changes. Contrary to popular belief, the revisions did not attempt to completely repudiate the colonial order. Although the new rulers had the utmost respect and admiration for British institutions, these reforms were necessary because the people needed an elected administration to carry out their objectives. As more people became aware of their surroundings, the "revolution" of increased expectations began to manifest itself. There was a desire for rural areas to have an increasing number of amenities. Increased politization following subsequent elections, as well as the advent of Panchayati Raj and cooperative institutions, were all related to this. The battle for existence had intensified above all as a result of the increasing pressure of population on the land. Offering employment opportunities in the non-farm sector has become critically important. The socioeconomic, political, and administrative environments saw significant transformation after independence. It was understood that the British ruler needed to concentrate power in the hands of one officer in the district in order to further imperial interests and win the widest possible support for its rule. Changes in the district administration are required as a result of the adoption of democracy as the norm. This chapter will cover the many elements of the post-independence period's modifications to district level governments.

#### **KEYWORDS:**

District Administration, Employment Opportunities, Land Revenue, Panchayati Raj, Post-Independence Era.

#### **INTRODUCTION**

The National Extension Service (NES) program and the Community Development (CD) program, both of which were launched in the years 1952 and 1953, respectively, were the first wave of change to affect the district administration. In the rural portion, 5011 Development Blocks were created. For each of these blocks, Block Development Officers (BDOs) were appointed. Some states also created the position of District Development Officer (DDO). A few states took the risk of designating a District Planning Officer (DPO). In Maharashtra, the Chief Executive Officer (CEO) was given authority over the district-level development apparatus. The DDOs, DPOs, and CEOs, on the other hand, were tax service officers who were also appointed to or transferred to the positions of District Collector and Additional District Magistrate. As a result, the Indian government's and the state governments' approach to district administration was hesitant. The functionaries of the two parts belonged to the revenue services even though the revenue and development tasks were separated[1].

The district administration was initially kept mostly apart from the redevelopment efforts and did not compete with the regular administrative duties. A different development agency oversaw the execution of every development project. The 1970s marked the end of this division between revenue and development roles. The District Collector was appointed as the district-wide coordinator for all initiatives aimed at reducing rural poverty. According to Khera, an officer at the district level in Ireland should treat his head of the OT department as the real boss and the DC as a dummy boss. The studyTeam led by Balwantrao Mehta advocated the formation of three-tier Panchayati Raj institutions in 1957 with the Ostensible purpose of democratic decentralization of power and of following direct Participation by the people in the administration and development. Later, equivalent organizations like the District Councils and the Hill Areas Advisory Board were introduced in the tribally populated hill areas.

The fundamental driving force was to change the bureaucratic ruler's perception of the DC to one of a servant of the people, ready to carry out the people's request. It was further believed that the Panchayat Raj institutions would relieve the DC of his development-related obligations, allowing him to focus his attention on other vital tasks and the establishment of the New Panchayati Raj. With the 73rd and 74th Amendments to the Constitution:

Even though the Panchayati Raj Institutions have been around for a while, it has been noted that they have not been able to achieve the status and dignity of viable and responsive people's bodies for a number of reasons, including the lack of regular elections, protracted supersession, inadequate devolution of powers, a lack of financial resources, and insufficient representation of weaker groups like women and Scheduled Castes and Scheduled Tribes[2]. According to Article 40 of the Constitution, which is enshrined as one of the Directive Principles of State Policy, the State shall take steps to organize village panchayats and grant them the necessary authority and powers to function as self-governing bodies. In order to give Panchayati Raj Institutions certainty, continuity, and strength, it is thought that it is urgently necessary to enshrine certain fundamental and essential features of Panchayati Raj Institutions in the Constitution in light of experience over the past forty years and in view of the shortcomings that have been observed[3]. As a result, it is suggested that a new Part pertaining to Panchayats be added to the Constitution to, among other things, provide for the Gram Sabha in a village or group of villages; Creation of Panchayats at the village level and/or further levels; direct elections for the offices of Panchayat Chairpersons at the village and intermediate levels, as well as for all seats in Panchayats at these levels, if any;

Reservation of not less than one-third of the seats for women; Reservation of seats for the Scheduled Castes and Scheduled Tribes in proportion to their population for membership in Panchayats and office of Chairpersons in Panchayats at each level; Disqualifications for membership in Panchayats; delegation by the State Legislature of powers and responsibilities upon the Panchayats with regard to the preparation of plans for economic developments and social justice and for the implementation of development schemes [4]. Fixing tenure of 5 years for Panchayats and holding elections within a period of 6 months in the event of any Panchayat being superseded; sound finance of the Panchayats by securing authorisation from State Legislatures for grants-in-aid to the Panchayats from the Consolidated Fund of the State, as also assignment to, or appropriation by, the Panchayats of the revenues of designated taxes, duties, tolls and fees; setting up of a Finance Commission within one year of the proposed amendment and thereafter every 5 years to review the financial position of Panchayats; auditing of accounts of the Panchayats; powers of State Legislatures to make provisions with respect to elections to Panchayats under the superintendence, direction and control of the chief electoral officer of the State; application of the provisions of the said Part to Union territories; excluding certain States and areas from the application of the provisions of the said Part; continuance of existing laws and Panchayats until one year from the commencement of the proposed amendment and barring interference by courts in electoral matters relating to Panchayats[5].

## DISCUSSION

### **Elements of District Administration:**

According to the history of Indian administration, all of these district-level governmental activities were initially under the direct control of a single authority, represented by the Collector/Deputy Commissioner. Local self-governing organizations were established over time, and technical divisions were established. Therefore, plurality of command evolved in place of unity of command. Modify the Government of India Act of 1919 and later the Government of India Act of 1935's execution. The District Administration now consists mostly of three parts: financial, magisterial, and developmental.

The department is also entrusted by the State and Central governments with a variety of other departments and related duties, such as managing local government institutions, conducting elections, and responding to disasters. Below state level, the district serves as the principal administrative unit. It is an administrative division that includes the majority of the government's departments. The first group of duties is concerned with maintaining peace and order in the public sphere and law and order. The district magistrate and the

superintendent of police, who is in charge of the district's police force, are jointly in charge of maintaining [6]. The district's deputy commissioner also serves as the district magistrate. The district magistrate has general control over the jails in the district even if there is a separate department for jail administration.

**Land revenue:** The second group of responsibilities relates to managing revenue. Although land administration, including the upkeep of land records, is this group's most significant aspect, it also includes the assessment and collection of land revenue as well as the collection of other public dues that are collected as arrears of land revenue. In accordance with numerous land-related legislation, the deputy commissioner is a designated revenue officer with the authority to resolve conflicts relating to land records and the administration of public lands and properties. Under the general direction and control of the deputy commissioner, the other revenue officers, including the assistant commissioners, the tahsildar, and the deputy tahsildar also conduct duties involving the resolution of land disputes.

Education on public health, social welfare, and the welfare of underprivileged classes and communities are examples of development initiatives. Each of these duties is handled by a distinct department with a district-based expert officer as the head. The zillaparishad in each district implements the many special economic initiatives like the JawaharGramaSamrudhiYojana (JGSY), SwarnaJayanthiGramaSwarozgarYojana, etc., and the Ashraya program for low-income housing. There is no direct involvement for the Deputy Commissioner in these programs. However, because these programs required a coordinated effort from numerous field departments at the district level, including the public works department (PWD), minor irrigation, forest, etc., the District Collector's role in coordinating and directing their activities is crucial for the successful implementation of these programs. Major social security programs include old age pensions, widow's pensions, maternity benefits for expectant mothers, stipends for physically disabled people, workmen's compensation matters, rehabilitation of displaced people under various projects, and support for religious and charitable organizations[7].

A review of the development of Indian administration reveals that all these district-level governmental activities were initially under the direct control of a single authority, represented by the Collector/Deputy Commissioner. Over time, local self-governing organizations were established, and technical departments were established. Thus, plurality of command evolved in place of unity of command. The Central Administration Reforms Commission believes that the regulatory tasks should be carried out by the Collector and the development tasks should be left in the control of Panchayati Rajinstitutions due to the increasingly noticeable change in the enforcement of the Government of India Act. 1919 and later, the Government of India Act. 1935. The establishment of functional departments prompted the creation of field agencies for the technical departments at the district level, which supplemented the district's local administration with a functional style, creating multiple chains of command. Even today, this contrast is still there although with changing emphasis. As a result, the district has evolved into a sort of sub-capital where the district offices of the numerous technical departments are situated.

### **The Functions and Participation of the District Administration:**

The operational arm of both the State Government and the Government of India is the district administration. In actuality, throughout the lengthy history of our nation, the district has always existed as the administrative division. In order to properly and effectively manage their vast empire, The Mauryas, who founded the first historically recognized empire in India, split it into provinces. These were further separated into the ahar, vishya, and pradesa districts. Rajukas and pradeshikas are described in Ashok's inscriptions as officers responsible for the wellbeing of the janpads and pradeshas, or districts. The kingdom was divided into provinces during the Guptas. Vishvasormandalas were used to divide the Province[8].

Ayuktavishyapati was the name of the officer in command of the vishayas. This arrangement was continued by the Mughal monarchs. This system's management and revenue collection purposes. For little provinces or subahs, the Empire was divided into Sarkar and districts, which in turn were divided into minuscule provinces or subahs. Every Sarkar was made up of multiple parganas, and each pargana was

made up of a number of villages. The Sarkar served as the forerunner of the modern district, and the term is crucial since it denotes administration in all of its forms. The British saw the district to be the fundamental administrative unit and saw no reason to change the long-standing arrangement of area administration. As a result, the district practically evolved into a sub-capital both in an administrative and political sense during British control. Indian independence. The implementation of government policy occurs at this level, where local issues are also researched and reported to the state administration. The district is where the large and intricate machinery of government operates, and it is here that we may gauge the extent to which its results at this crucial location reflect the effectiveness of governmental policies, plans, and programs. It is accurate to say that the district is the administrative division that practically all citizens interact with. Every town and village in the nation is a component of a district. Every political party tries to develop a powerful organization at this level since the district is a crucial unit for electoral objectives. The district can be thought of as the hub of political and administrative activity in this sense.

The district is where the majority of the state government's field units are located. In some circumstances, even the Union Government has its field offices here. The administrative framework of the district is made up of the combined operations of these departments as well as a few others involved in union government concerns. According to Khera, "District administrations the total functioning of government in a district; that total and complex organization of the management of public affairs at work, dynamic and not static in the territory of a geographically delineated district administration includes all of the institutions for the management of public affairs in the district [9].

### **Important Details:**

The following list summarizes the key elements of the 73rd Constitution Amendment Act:

The Amendment lays out a number of mandatory measures that the State Governments must include in their respective Acts. However, some matters have been left up to the State legislatures to decide what appropriate measures to include in their Act. The following rules are required:

- (A) The creation of a "Gram Sabha" at the village level, which consists of 19 people listed on the electoral rolls for a village included in the Panchayat's jurisdiction (Article 243(b)). Where Gram Sabha does not exist, the State will be required to adopt such provisions.
- (B) The establishment of a three-tier Panchayat system at the village, intermediate, and district levels in all States and Union Territories (UTs), with the exception of those with a population of less than twenty lakhs, where intermediate Panchayats are not required to be formed. According to the 1991 Census, Goa, Sikkim, all of the North Eastern States, and UTs would be included in this group.
- (C) Members of all Panchayat levels shall be chosen directly from the Panchayat region's territorial constituencies. The territorial constituencies must be drawn so that, as much as is practical, the population of each constituency and the number of seats given to it are equal throughout the Panchayat region.
- (D) All Panchayat members, whether or not they were elected directly, are entitled to vote at Panchayat sessions.
- (E) At the intermediate and district levels, the chairperson of a Panchayat is chosen from among the members who are directly elected to represent the territorial constituencies.
- (F) Seats may be distributed by rotation and reserved for SC/STs in proportion to their population in the Panchayat area.
- (G) In every Panchayat, women shall be given one-third of the total number of seats, both in the reserved and unreserved categories, and seats may be distributed by rotation.
- (H) On a rotating basis, the chairperson of each level of Panchayats shall be elected from among SCs and STs in proportion to their numbers. In a same vein, women will be given a chance to fill one third of the chairperson positions at each level of Panchayats.
- (I) Panchayats are given a definite term of five years based on the information appointed for its initial meeting, and the term cannot be extended. However, if a Panchayat is dissolved before the end of

its term, elections must be held to reassemble the Panchayat for the remaining terms of the term within six months of the dissolution, provided the remaining time is not less than six months. Prior to the end of its five-year term, the Panchayats must be formed [10].

- (J) It is also forbidden to amend the law in order to dissolve Panchayats at any level.
- (K) Anyone who has reached the age of twenty-one is eligible to join a Panchayat.
- (L) Establishing a Finance Commission in the State within a year of the Constitution Amendment Act's beginning, and then every five years after that, to examine the finances of the Panchayats and recommend the guidelines by which taxes should be appropriated by or assigned to the Panchayats, as well as grant-in-aid from the State's consolidated fund. The State Legislature must be informed of the action taken in response to the Commission's recommendation.
- (M) The Panchayats' financial records will be audited.
- (N) A State Election Commission must be established to supervise, guide, and regulate Panchayats at all levels. However, the State Election Commissioner shall be removed in the same manner and for the same reasons as a High Court Judge.
- (O) All States and Union Territories are covered by the Act. Certain states, tribal areas, and other territories are being exempted from the application of part IX of the Constitution's provisions, and the President and Governor have the authority to modify those provisions in their application to Union Territories and Scheduled areas, respectively.
- (P) Until the Act is changed or repealed within a year, the current laws pertaining to Panchayats that conflict with its provisions will continue to be in effect. The current Panchayats must remain in place until the end of their tenure unless they are dissolved by the appropriate authorities.
- (Q) Courts are not allowed to become involved in electoral issues like constituency delineation, seat allocation, or election to any Panchayat.

In addition to these requirements, the State Legislature has the authority to pass laws on a variety of topics, such as the duties of the Panchayats and other related issues. A petition disputing the election of any Panchayat can be sent to them.

## CONCLUSION

Every district has a Collector in charge who is appointed by the State government, and each district is further divided into Sub-Divisions under the supervision of Sub Divisional Officers. Below the Tahsil is the Pargana/Revenue Circle, which is under the supervision of the Revenue Inspector, and the lowest primary unit is the village, where the Patwari or Talathi or Village Accountant is an important official in terms of revenue. CEO (Chief Executive Officer), BDO (Block Development Officer), and VDO (Village Development Officer) or Gramsevak, who are concerned with development of the three-tier system of the rural government, make up the Civil and Development unit. The final group of duties comprises of executive tasks that have not been clearly defined and for which the district lacks a specific government representation. The Collector is responsible for carrying out these tasks in his capacity as the chief representative of the government, in addition to other duties like publicity, public relations, protocol, and the issuance of arm licenses as well as their renewal, suspension, and cancellation.

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## CHAPTER 5

# REVENUE ADMINISTRATION IN INDIA: HISTORICAL AND CONSTITUTIONAL DEVELOPMENTS

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Pradip Kumar Kashyap, Assistant Professor  
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India  
Email Id- [pradipragnul@gmail.com](mailto:pradipragnul@gmail.com)

### **ABSTRACT:**

Two thirds of the population still live in villages, making India a nation of villages. We are beginning to observe that rural areas are deprived of growth and regional balance even after 70 years of our own planning. The difference between urban and rural areas is widening. We have spent a lot of money over the past 70 years through the budget, but in my perspective, money is not the main issue. Here, administrative structure and equipment are partly to blame. Revenue administration at the rural or district level is crucial to the advancement of the underdeveloped regions of our nation. One of the most crucial facets of district administration has been and will be revenue administration. This is primarily due to the population's reliance on agriculture for subsistence, and their frequent contact with the department. Administration of land revenue encompasses more than only collecting land income; it also includes land settlement, land reform, revenue loans, certificates, stamps, excise, etc. Land revenue was always the main source of state income, even during the ancient and medieval eras and for long decades of colonial India. The governments' most significant activities during these times were therefore the assessment and collection of land revenue. The purpose of this chapter is to illustrate the idea of land revenue, its historical development, and shifting viewpoints over various historical eras, from the prehistoric to the modern.

### **KEYWORDS:**

British Revenue Policies, Constitutional Developments, Indian Taxation System, Revenue Administration, Revenue Management.

## **INTRODUCTION**

The voluntary efforts to serve the people resources were started in the seventeenth century, which marks the beginning of the history of rural administration in India. We can divide Indian history into three distinct periods in terms of governing power in order to understand the facts about revenue structure and administration.

1. The old Indian tax system.
2. The management of taxes throughout the Mughal era.
3. The development of tax collection throughout the British era.

### **Early Indian Taxation System:**

In terms of a lot of things, ancient India was independent. India in the past was a prosperous and peaceful country. Even then, the system of government was effective and closely matched the needs of the populace. In actuality, there existed a rule of knowledge that came from several treatises written by illustrious saints and statesmen[1]. The fact that ancient Indian political thinkers envisioned a well-designed 32-plan financial structure for the creation of a stable and successful state is noteworthy. From a constitutional perspective, the taxation system's theoretical underpinnings were of utmost significance. In Hindu politics, the taxes themselves were viewed as the King's compensation for the administration's services. According to the proverb, "One sixth of Bali's (Taxing Method) import and export duties, fines, and forfeitures collected from the offenders- gather in accordance with strata (law and constitution) as your wages shall constitute revenue."



- 1) The ruler should not ruin his own and others' foundations via greedy taxes was one of the general principles of the taxation system in ancient India.
- 2) Taxes may be imposed on subjects in such a way that they will be able to withstand additional obligations, including heavier ones if necessary.
- 3) The realms that carry out great actions are not those with high taxes, but rather those with moderate taxes, whose ruler administers the government economically while maintaining the ability to defend the realm. The subjects are against the king's ostentatious style of rule.
- 4) The key idea stressed is that taxation shouldn't be implemented in a way that prevents the person from feeling it. The ruler ought to behave like a bee that gathers honey without hurting the plant. It shouldn't be done in an offensive manner.
- 5) When the realm's prosperity is rising, larger taxes should be gradually increased. To avoid the realm becoming unrest, the method must be gentle.
- 6) The taxes shown are collected in the proper manner and at the appropriate times. Never should an unpleasant method be used to realize them.
- 7) When making works of art, it is important to consider the costs involved, the materials used, the artist's condition, and the maintenance needed to produce the work.
- 8) Taxation should discourage the importation of luxuries and goods that are damaging to the state.
- 9) Import taxes should be abolished for advantageous imports.
- 10) Free entry should be given to items that are uncommon in the nation and would serve as seeds for future manufacturing.
- 11) Some goods shouldn't be exported, but their imports should be promoted by not imposing any taxes. For instance, they included cattle, metals, rare items, military vehicles, foodstuffs, and armor and weapons.

The ancient taxation system's underlying idea suggests a number of moral and progressive approaches that are still relevant today.

### **Management of Revenues during the Mughal Period:**

The Mughal emperors tapped into a number of revenue streams. They imposed direct taxes on individuals, businesses, and real estate. They generated income through significant commercial endeavors of various kinds. They made significant revenue from indirect taxes such sales tax, excise duty on manufactured goods, transportation dues, octroi, and customs duties. Fines and court costs generated a tiny profit for the administration of justice[2].

The emperor was the rightful owner of all untitled property, including shipwreck salvage. When transactions were registered or specific ceremonies were held, a registration fee was paid. The emperors received gifts from their subjects, officers, and foreign kings who sent envoys to India. War was frequently used as a means of income, and front plunder was occasionally used as another form of compensation. Certain burdens, which are best defined as taxes on religion, were carried by non-Muslims during Babur and Humayun, and once more under Aurangzeb. Babur and Humayun, the first two Mughal emperors, maintained the same system of tax collection as the Delhi Sultans. Throughout his four years in power, Babur was so interested in the many conflicts that he rarely had any time left for the business of the revenue.

His successor, Humayun, ran into problems as well not long after taking the throne and was forced to live in exile for the majority of his life. He consequently had no opportunity to enhance the revenue administration. Sher Shah Suri, who stood in between Humayun and Akbar, developed a great system for collecting land taxes. As Jagirdar of Sehsram, Khawaspur, and Tanda, he gained solid knowledge of how the revenue system functions. He attempted to implement this system broadly once he was made emperor of India. He first had the lands measured in accordance with a common standard[3].

Akbar, who took over as Humayun's successor, was only a young boy. He focused his emphasis initially on securing and expanding the empire. Following his ascension to the throne, he focused on the revenue

administration and made an effort to enhance the revenue system put in place by Sher Shah. He received help from professionals like Raja Todar Mal, Itimad Khan, and Muzaffar Khan in this.

First, Akbar gathered all available data on land and reformed the entire land revenue system. In eight of his empire's provinces, he instituted the Zabti System. This methodology improved on Sher Shah's methods of measurement by using the standard gaz known as Jarib to determine the cultivable fields [4]. Despite being fixed in kind, the state's portion was converted into cash at the going rate. The growers experienced significant inconvenience as a result of this improper approach. As a result, Todar Mal later fixed the cash ration based on the average of the previous ten years.

GhallaBaksha, Nasaq, and other land revenue regimes existed in certain other regions of the empire. The previous technique of crop division-based assessment, known as GhallaBaksha, was effective in Kashmir, Thatta, and some areas of Kabul. In accordance with this method, the government received a share of one-third of the entire produce after harvest[5]. A general estimate of the standing crops' probable output was made under the Nasaq system, and the state claimed one-third of that yield.

## DISCUSSION

### **British Period Evolution of Revenue Administration:**

The most crucial factor for the British government in India was land revenue. For their administration to function, they required resources. They therefore paid close attention to the task of managing and restructuring the land revenue system. The Zamindari System (Permanent Land Revenue Settlement), which Cornwallis implemented in 1793, gave rise to landed nobility for the first time in India. Second, the tenants were placed in a highly precarious situation by this arrangement. Even though the government had set their portion in stone for all time, they had complete discretion over how much rent to demand from tenants. It not only made the peasantry poorer, but also took their land away from them. The British did not expand this system beyond of the Bengal region since it proved to be so flawed.

The Ryotwari system was used in areas of Southern and Northern India[6]. It established a direct line of communication between the government and the landowner. Additionally, they imposed proprietary rights on the landowners here. The system was new. Previously, joint families and village communities owned the property. The person didn't own any of it. The rural areas saw a significant transformation as a result of this land settlement. The Mahalwari system of land tax was first implemented in 1833 by Lord William Bentinck's administration, who served as Governor-General of India from 1828 to 1835. The North-West Frontier, Agra, Central Province, Gangetic Valley, Punjab, etc. all adopted this approach. This was influenced by both Ryotwari and Zamindari regimes.

**Permanent Settlement:** Lord Cornwallis aimed to stabilize the agriculture sector of the economy. First, he made a decennial (i.e., ten-year) settlement instead of an annual one in an effort to maintain consistency. He introduced the idea of "Permanent Settlement" in March of 1793. If a nation's prosperity and happiness are the yardstick for wisdom and success, Lord Cornwallis' permanent settlement of 1793 is the wisest and most effective move the British nation has ever made, claims RomeshDutt.

### **British revenue policies and their effects:**

Prior to this, there was no private ownership of land, therefore it became a commodity. Even kings and farmers did not regard land as their "private property." Farmers turned away from producing food crops in favor of cash crops as a result of the extremely high taxes. Food insecurity and even famines resulted from this as Pre-British times saw moderate agricultural product taxes. Farmers became more indebted as a result of the insistence on cash payments of revenue. In due course, moneylenders acquired land.

Bonded labor developed as a result of loans being issued to laborers and farmers who were unable to repay them. 7% of the villagers (Zamindars/landowners) controlled 75% of the agricultural land when India gained independence from British domination. One of the main points of contact between the government

and the populace is revenue management. Thus, effective tax administration becomes a key component of successful governance. The Indian tax system of today has been impacted by a variety of historical influences dating back thousands of years. In order to discover positive improvements in the perspective of Indian farmers, we must emphasize the following points regarding the breadth of the revenue field. The officials were under strong orders not to accept any bribe from the growers and to complete the measuring task honestly. He attempted to determine the land's output after having the land measured in order to calculate the state's part of the land revenue. The land was divided into four categories for this reason. The first type of land that remained perpetually in cultivation was *polaj*[7]. It had some crop ready at various times throughout the season. The second type of land was *Parauti*, which required one or two years to be kept fallow in order to regain its fertility. *Chachar* was the third type of land that needed to remain uncultivated for three or four years in order to become fertile.

The term "*Banjar*" or "*barren land*" referred to the fourth geographical classification. It had to be neglected for at least five years. According to their fertility, the first two sorts of lands were further categorized into three groups: good, middling, and terrible. Three different land grades had their yields calculated, and the average of those yields was taken as the actual yield of the land. Based on this real produce, the state's portion was set. According to the soil fertility and output over the previous 10 years, this portion of the state was calculated for the various land classifications. In regards to *Polaj* and *Parauti*, the state share was set at one-third of the average yield of the three classes.

The state's share of the produce on the *chachar* land was one-fifth of it in the first year, two-fifths of it in the second, one-fifth in the third, one-fourth of it in the fourth, and one-third of it in the fifth. The government levied similar fees on the *Banjar* land, charging 1/26 of the produce in the first year, 1/13 in the second, 2/13 in the third, 3/13 in the fourth, and 1/3 in the fifth.

### **India's post-independence land revenue administration:**

Before talking about the administrative process, it's important to agree on a few facts relating to some beneficial developments throughout the colonial era. Thus, the Mughals left the British with a well-organized system of land records. However, they made significant adjustments in an effort to further enhance and increase the land revenue system, which served as the primary source of State income. The state governments have passed and put into effect a variety of land reform laws in order to achieve the aforementioned goal. The *Zamindari abolition enactment* stipulates that the intermediaries should receive a fair reward for the land that was purchased from them. In some states, a sliding scale of a fixed multiple of the income has been adopted; however, this multiple is very low for large landowners and relatively higher for these small landowners. In Bihar and West Bengal, an MP's income from the land was the criterion to determine the amount of compensation payable to the intermediaries.

Based on the idea of social fairness, the government provided rehabilitation funds to small landowners who belonged to extinct intermediate species. The state's entire obligation to pay the above-mentioned grants for compensation and rehabilitation came to roughly 670 crore rupees. A portion of the payment was made in cash, while a portion was made in the form of transferable government bonds that bore interest at a rate of 2 to 3 percent and were to be paid back in equal installments over a 22–40-year period. A number of laws encourage the reorganization of the agricultural sector through cooperative farming, which will prevent farmers from pooling their individual plots and cultivating the farm in a cooperative manner by hiring the farmers as laborers and paying them money[8]. In accordance to the value of the donated land, the farmers also receive a piece of the cooperative farm's profits.

Imperial Council of Agricultural Research promoted cooperative farming for India in 1944. Cooperative farming was also advised by the 1949 Congress agrarian reforms committee. The first plan also stipulated that the rural economy's primary objective should be cooperative village administration. The second five-year plan reemphasized this point of view. Cooperative farming was promoted by the All-India Congress committee at its Nagpur session in 1959. In 1960, the *Lingappa Committee* was established by the Indian government, and it made 300 trial projects with 10 cooperative farming societies each as recommendations.

The third plan had an objective of forming 10,000 cooperative farms, which was gradually increased. The purpose of the comprehensive rural development program, which was first implemented in 1976–1977, was to help landless agricultural workers, sharecroppers, and marginal farmers organize into cooperative societies[9]. As a result, it was increased by the state governments giving them access to ceiling surplus land.

Even while cooperative farming is still in its infancy, the chances of success are bright. Although the program is still young, the program has shown that it can boost agricultural output. The program's success is dependent on non-official leadership, since it has been noted that the initiative was successful in those areas where such leadership was present. The program of land reforms has been started in the proper path in terms of the dual objectives of economic development and social justice. Improvements have been made throughout time as a result of changes to the policy[10]. However, there are a few intrinsic flaws that prevent the land reforms from being as effective as they may have been.

### CONCLUSION

The idea of land revenue and land revenue management from the ancient, medieval, and colonial periods are attempted to be introduced to you in this course. You will become more familiar with these developments as they pertain to the administration and assessment of land revenue under various regimes after completing this lesson. As a result, this chapter will provide you a thorough grasp of India's pre-independence history as well as some of the most significant developments that occurred right away. According to Adam Smith, taxes must secure justice. According to the capacity of the taxpayers, the tax burden needs to be divided fairly. Equity demands that the poor should pay less in taxes and the wealthiest should pay more. As a result, the tax system should have progressive tax rates based on the payer's financial capacity. The incidence of taxation is higher on wealthy farmers when it comes to land revenue, while the impoverished tribal farmers are excluded from paying the land revenue, as we have seen. We should also mention that the land revenue incident was unreasonable before to independence.

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## CHAPTER 6

### DISTRICT LAW AND ORDER MECHANISM IN INDIA

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Dal Chandra, Assistant Professor  
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India  
Email Id- [degautambahjoi@yahoo.co.in](mailto:degautambahjoi@yahoo.co.in)

#### **ABSTRACT:**

The word "police" is a translation of the Greek "politeia." It entails bringing about tranquility and maintaining order in a certain region. Because they are the people's protector, the police are always nearby. The police are the main organization responsible for ensuring that people can exercise their legal rights without interference. They are there to act as a buffer between the strong and the vulnerable, stop oppression, disaster, and crime, and uphold law and order everywhere and at all times. In every court or alley, the policeman represents responsible behavior. He is a fact that must be understood, and the public's opinion of the rule of law rests on his objectivity, effectiveness, and intelligence. The police must ensure that there is little to no opportunity for crime to be committed or for the maintenance of law and order to be disturbed. Compared to other 61 professions, this one demands a more acute sense of anticipation and a sense of danger. According to the law, the police are required to find crimes, identify the guilty, and capture them. Given their high visibility and constant scrutiny from the public, politicians, and their own superiors, it is neither unusual nor unnatural for police officers to desire to demonstrate their performance and meet objectives. This chapter relates to recognize the idea of law and order and to help students comprehend the fundamentals of police administration.

#### **KEYWORDS:**

Centralization tendency, District, Law Order, Police Administration, Police Duty, Sub-district Organization.

#### **INTRODUCTION**

Since the beginning of civilisation, organizations have been created in every society to safeguard the rights and freedoms of individuals. Modern police have been developed as a result of the complexity of cultures over time. The policeman was known as Nagarpal, which meaning protector of the city and government based on Dharma and Danda. In the European context, the term "police" alludes to a "force for the city." An essential component of statecraft was dandaneti. Manu discussed a technique of gathering intelligence during the Vedic era as well as crime prevention and detection. Vedas discuss many criminal offenses and associated penalties[1]. Policing was carried out methodically during the Mauryan and Gupta eras. The Arthashastra of Kantilla paints a clear picture of the nature of police organization and its duties. During the Mughal era, Fauzdars were in charge of maintaining law and order. Thanedars, who were in charge of the Police Stations, helped them. Additionally, he was in charge of financial operations. As the head of the city police, the Kotwal's position was of some significance. His duties included nighttime patrols of the city, intelligence gathering, the suppression of crime and social abuse, and control over prisoners. The police system that existed under the Mughals was permitted to continue during the British era with certain modifications to fit the evolving needs.

The Police Act of 1861 serves as the foundation for the modern Indian police system. This statute established the police's subordination to the Executive Government. Later, the structure and operation of the police system underwent a number of adjustments. However, the fundamental structure and traits preserved in the police legislation of 1861 continued to rule the nation's police system. The Police Administration had become one of the best systems by the time India won independence in 1947. Following independence, the Indian government believed that the system was prepared to handle new difficulties and had undergone sufficient development to assist the new administration in upholding stability [2].

### **Police Duty and Functions:**

The primary duties of the police are to prevent crime and maintain the peace. In accordance with the 1861 Act, the role of the police is to uphold public order in all public areas by preventing crime and public nuisances, prosecuting offenders, gathering information that could jeopardize public peace, and bringing offenders to justice. Urbanization, industrialization, population expansion, internal migration, social mobility, technological advancements, etc. were all named as criminogenic causes at the 1970 U.N. Congress on the prevention of crime. Community tension and other forms of social unrest also contribute to crime, which disturbs the peace and leads to violent outbursts.

The primary duties of the police are to uphold the rule of law, defend the safety of the populace, and preserve their property. In the plan for social defense, the police must play a beneficial role. It can no longer have a constrictive perspective on their function. The function of the police is entwined with social service in a democratic society. It's a significant location where police have been given favorable treatment in terms of social laws. The lives of people in various locations are impacted by these laws. This both offers several opportunity to help the populace and proves to be difficult[3]. The police must act as enforcers of the law rather than as agents of the ruling party or government in light of the current political climate.

### **At the Central and State Levels of Organization:**

Police are listed as a State subject in Article 246 of the Indian Constitution (entry 2, List 11, Seventh Schedule). Therefore, the administration of the police falls under state jurisdiction. However, this does not minimize the part played by the central government. Administrative Police. In the union list, the Constitution itself lists a broad number of topics including All India Services, preventive detention, arms, ammunition, passports, etc. The Central Government's participation in the administration of police is connected to passing laws on issues covered by Union and Concurrent lists and amending fundamental police statutes such the Indian Penal Code, the Code of Criminal Procedure, the Evidence Act, etc. The Central Government is also in charge of managing the Indian Police Service, administering the States, and maintaining law and order in the Union Territories. The Department of Personnel and the Ministry of Home Affairs are responsible for administration and coordination. The Central Government aids and assists the States when necessary in maintaining peace and order. The Central Government maintains a nationwide network of workers and line units to carry out this role[4]. Among the reserve units are the Central Reserve Police Force, Border Security Force, Railway Protection Force, and Central Industrial Security Force.

The staff units at the Central level include Sardar Vallabhbhai Patel Police Academy, Police Wireless, and Central Forensic Institutes. In addition to these, the Central Government is assisted by the Central Bureau of Investigation (CBI) and the Central Intelligence Bureau (CIB). The State Police Organization receives help from these organizations, which are under the direction of the Central Government, in the areas of law and order, security, and the administration of justice in the nation. For these agencies to function in the States, rules and regulations have been developed. On occasion, these regulations are broken, which causes friction between the Central and State Governments.

The Police Administration is largely consistent across the nation at the State level. Policy-making and administrative duties are primarily the responsibility of the Chief Minister or Home Minister. The State's Police Administration is supervised and coordinated by the Home Department. Between the Central and State Governments, it serves as a bridge. However, the real work is carried out by the Director General of Police (DGP) or Inspector General of Police (IGP), who is in charge of the State Police. The Office of the IGP/DGP, often known as Chief Office, is the name of his office. The government receives information from this office, which also advises political decision-makers like the cabinet and ministers and monitors and regulates line agencies. It coordinates training and serves as a hub for specialized police services. The IGP/DGP provides assistance and advice to the government and oversees and controls the police force generally. He uses his financial, personnel, and administrative authority[5]. He serves as the state's police administration's leader. The Deputy Inspector General of Police (DIGS), Superintendents of Police (SPs), and other employees support him in his duties as IGP. They are the heads of specialized divisions like the

intelligence division, the criminal division, the transportation division, the training division, the armed forces, general management, law and order, etc. The following chart will make the organization of the police more clear.

### DISCUSSION

Many States are too big to be governed from a single location successfully and efficiently. The DGPIIGP and the police chief, who serve as the Head of the Police, are unable to monitor the operations of the entire organization. For operational ease, a State's police organization is separated into ranges. Each range is led by a deputy inspector general of police. There are a few districts in each police range. Depending on the size, population, and significance of the district, each range has somewhere between 2 and 8 districts. The DIG serves as a line officer for the district police as well as a staff officer to the chief of the State police. Periodic inspections are among his duties, along with receiving and processing returns and reports from the districts and giving directives to the district police officials. Coordination of district police activities and the implementation of inter-district cooperation policies are two of the range DIG's main responsibilities. He is directly liable for enforcing rules of conduct among the police officers under his supervision. Over a few groups of employees, he has transfer and discipline authority. He monitors the level of crime in the area, paying close attention to serious offenses like dacoity and murder, among others. Additionally, he has influence over police fund allocation[6]. Therefore, the extent of DIG's duties also includes coordination, budgetary control, and staff management. He is in charge of keeping his staff's efficiency and discipline in check. He secures cooperation between the police function in the regions within his range and ensures that procedures are followed consistently. He is responsible for ensuring good ties between the police and the executive branch of the administration. Some people object to a range turning into a simple post office. It is criticized for having unnecessary functionality. Some believe that despite the existence of range offices, the burden at the State level has not decreased but rather increased.

The National Police Commission advised the range's DIG to contribute positively to the operation of the districts under his supervision. Between the districts in his range and those of the neighboring ranges, he ought to serve as the coordinating authority. Additionally, it was advised that he/she take public opinion into consideration when developing and modernizing the police. The commission believed that the DIG's jurisdiction should only include five districts for maximum effectiveness. Additionally, it was advised that territorial Inspector Generals of Police be established in major States to ensure proper oversight. He shouldn't be in control of more than 15 to 20 districts or 4 to 5 ranges. Additionally, the territorial IGP should be given operational control over the range's Armed Battalions. You should give them authority over things like finances, discipline, and administration. The DGP's burden will be lessened as a result, giving him more time to focus on important administrative and policy issues.

#### **District and Sub-district Level Organization:**

Districts are a crucial part of the nation's public administrative structure, as district is where the majority of State Government offices are situated. District is important in the administration of the police as well. At this level, all the police's laws and regulations are put into practice. The District Police Organization is in charge of effectively upholding the peace and controlling crime. The Superintendent of Police, or chief of the district police, is in charge of overseeing various law enforcement initiatives as well as maintaining law and order at the district level.

Technically, the Collector exercised total command over the Superintendent of Police's activities. In reality, he and the officers under him have complete operational freedom to carry out their duties. As a District Magistrate, the Collector is generally in charge of preventive measures, while the police are in charge of crime prevention, upholding the rule of law, etc. Below the district level, the police administration is organized into divisions, circles, and police stations[7]. There are some differences in how police stations are set up and operate in urban and rural locations.

The Superintendent of Police supervises the District Police. He has always been a member of the Indian Police Service and commands a lot of respect and authority in the district. For the upkeep of peace and order in his district, he is answerable to the Deputy Inspector General of Police who serves as the Head of the Range Police. At the State Headquarters, he is also answerable to the Director General of Police. The district's police force's effectiveness, morale, and discipline fall under the purview of the Superintendent of Police (S.P.). He gathers data from the entire district on a variety of topics and relays it to the state government along with his personal evaluation.

Law and order upkeep and crime prevention fall within the purview of the Superintendent of Police. He has the authority to implement preventative actions to maintain neighborhood calm. During elections, agitations, and fairs and festivals, he must establish proper police arrangements. If he foresees undesirable circumstances, he may advise the Collector to issue prohibitory orders or even to tighten curfew. He controls crime by patrolling, looking into it, and taking action to stop it. He is also in charge of the criminal justice and special operations branches that report to him. He is responsible for numerous organizational and personnel matters, including the proper SUDDIY of weapons, vehicles, uniforms, etc. Additionally, he is responsible for issues such as the upkeep of financial assets, the promotion, training, and discipline of the personnel.

At the district level, he serves as the liaison between the police organization and the elected officials. He keeps up cordial and polite interactions with others. He is in charge of controlling traffic and receiving VIPs in the district that contains significant urban centers. As a result, the SP holds a crucial and influential position both within the district police organization and within the District Administration. He is helped by the Additional Superintendent of Police. The latter aids him in his general administration on a day-to-day basis. He is supported in maintaining peace and order at various levels by deputy superintendents of police, circle inspectors of police, sub-inspectors of police, head constables, and police constables. Professionals and technical teams are also made available to him to help him carry out his duties.

The District Police Office (DPO) and the Field Organization make up the organization at the district level in general. The DPO is responsible for overseeing the overall management of the district's police force. It reports to the SP or ASP, who is responsible for overseeing general control and administration of the office. Several divisions, including the crime and statistics, crime bureau, audit and accounts, equipment and stores, etc., handle the administration of the office. The DPO can be viewed as the police's secretariat and the hub of the district's police administration. In general, the lodging and amenities at the DPO are subpar[8]. These offices are understaffed, ill-equipped, and have insufficient space as well as poor lighting and ventilation. At the district level, a number of field units work to give specialized assistance to the police. Some of the field units assisting the district Police Administration include the district armed reserve, the home guards, the women police, the crime bureau, special branch finger print unit, the dog squad, and the transport unit. Sub-division

The district police organization is broken down into several sub-divisions for operational convenience. A police sub-division is a division in charge of organizing and managing police operations. Between police circles, police stations, and the district police office, it serves as a connecting point. A Deputy Superintendent of Police or Additional Superintendent of Police is in command of the police division. Typically, they are referred to as Sub-Divisional Police Officers. The primary responsibility of the subdivision is to investigate issues relating to peace and order, police force discipline, and other relevant sub-divisional issues.

The Sub divisional office maintains a multitude of reports and registries pertaining to crime, security, and other administrative concerns. The principal duties of the Sub-Divisional Officers include maintaining law and order and controlling crime, gathering and sharing intelligence, submitting quarterly reports to the Superintendent of Police, and inspecting police stations and circle offices. Additionally, they play a significant public relations function. They serve as a conduit between the Sub Inspectors and Inspectors and the Superintendent of Police.



### Circles:

Police circles, which connect police stations and sub-divisions, are further divided into within sub-divisions. This is the district police organization's third level. The police circles may occasionally coincide with talukas, occasionally with blocks, or they may not always be in line with any of these[9]. Police circles differ in size from State to State and even within a State from circle to circle because there are no regulations dictating how they are formed. Each police circle's number of police stations is decided based on factors such as crime, population, geography, and topography. There could be three to ten police stations each circle. The Circle office supports efficient field-level administration.

The head of the police circle is the Police Administration Inspector of Police. He is in charge of preserving peace and order and suppressing crime. He needs to encourage police officers to follow rules. He directs, counsels, and oversees the efforts of the men working at Police and Local Stations. Along with support workers from the Administration, he also conducts serious crime investigations. At the circle level, numerous registers and records are kept, much like in the divisional office. They contain things like a communication log, case journal, circle information book, annual crime review, crime charts, criminal intelligence file, etc. The police organization's lowest level is the Police Station[10]. The police's actual work is done in this location. The maintenance of law and order, the prevention and control of crime, and the protection of community members' lives and property fall under the purview of this fundamental and primary unit.

### CONCLUSION

We have now covered a few crucial and significant problems that the Police Administration is now facing. This organization has a strong centralization tendency and has struggled to adopt democracy as a way of institutional life. Public accountability cannot be replaced by organizational accountability through higher-level supervision. The police organization has to be reorganized. Legally, the State is responsible for maintaining law and order. However, central police organizations like the Border Security Force and Central Reserve Police Force have grown over time. Relations between the Center and the States have become tense as a result of the police force being occasionally deployed in the States without their knowledge. The use of the Central Bureau of Investigation is comparable. A few States even prohibited the CBI from conducting investigations there, which strained relations between the Center and the States. State Security Boards may be established, as suggested by the National Police Commission, to increase accountability and responsibility. Unfortunately, these institutions have not yet been established, and where they do exist, their performance is subpar.

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## CHAPTER 7

# JUDICIAL SYSTEM AND DISTRICT ADMINISTRATION IN INDIA

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Amit Verma, Associate Professor  
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India  
Email Id-[amitverma2@gmail.com](mailto:amitverma2@gmail.com)

### ABSTRACT:

Indian government is supported by three pillars: the legislature, the executive branch, and the judiciary. Indian legal system. In India, the judiciary is independent. The judiciary's operation cannot be hampered by the other branches of the government. Protecting the rule of law and ensuring its supremacy is the judiciary's primary responsibility. It protects individual rights, resolves conflicts in line with the law, and makes sure that democracy does not give way to individual or collective dictatorship. The third branch of government is the judiciary. It is tasked for applying the laws to particular situations and resolving any conflicts. The judges' decisions made when rendering judgments in diverse situations constitute the true "meaning of law." From the perspective of the citizen, the judiciary is the most significant branch of government since it serves as a check on potential abuses by the legislative and executive branches. The judiciary is more respected than the other two branches due to its role as the defender of the constitution and the people's fundamental rights. In India, there are numerous levels of the judicial system and various kinds of courts, each with a unique set of powers based on the tier and jurisdiction assigned to it. In this chapter, we will try to know the key characteristics of the Indian judicial system which will help in help in comprehending the Indian judicial system's role in defending citizens' basic and natural rights.

### KEYWORDS:

Constitutional Rights, Executive Branch, Judicial System, LokAdalat, State Authority.

### INTRODUCTION

The third branch of government is the judiciary. It is tasked for applying the laws to particular situations and resolving any conflicts. The judges' decisions made when rendering judgments in diverse situations constitute the true "meaning of law." From the perspective of the citizen, the judiciary is the most significant branch of government since it serves as a check on potential abuses by the legislative and executive branches. The judiciary is more respected than the other two branches due to its role as the defender of the constitution and the people's fundamental rights [1]. In India, there are numerous levels of the judicial system and various kinds of courts, each with a unique set of powers based on the tier and jurisdiction assigned to it. With the Supreme Court of India at the top, followed by the High Courts of the relevant states, district judges sitting in District Courts, Magistrates of Second Class, and Civil Judge (Junior Division) at the bottom, they form a strict hierarchy of importance in accordance with the order of the courts in which they sit.

According to the Indian Constitution, the Supreme Court of India is the highest judicial body, the last resort court, and the only constitutional court having the authority to review the Constitution. It has vast powers in the form of original, appellate, and advisory jurisdictions and is composed of the Chief Justice of India and sanctioned additional judges. As the country's highest court of appeal, it hears appeals largely against judgments from other courts and tribunals as well as decisions from the high courts of different states that make up the Union.

It defends citizens' fundamental rights and resolves conflicts involving the nation's numerous governments. As an advisory court, it considers cases that the President of India may directly send to it for consideration under the constitution. The Supreme Court's decision becomes the law of the land, binding on other Indian courts as well as the national and state governments. The president is required by Article 142 to carry out the Supreme Court's orders and mandates.

### Judiciary Functions and Importance:

1. **To provide justice to the people:** The judiciary's first duty is to provide justice to the people whenever they may turn to it. It punishes those who, following a trial, are determined to have violated the state's laws or the rights of the populace. Citizens who have been wronged or wounded can seek redress (rectification and restitution) in court. They may do this if they feel that their rights will be violated or if they have already incurred a loss. The judiciary determines the type and severity of the punishments to be meted out to offenders. It makes decisions in all situations concerning the award of compensation to residents.
2. **Interpretation and Application of Laws:** The judiciary's primary duties include interpreting (explaining or clarifying) and applying the law to particular situations. The judges interpret and apply laws when they rule on the cases that are presented before them[2]. Each legislation must be properly interpreted before it can be applied to a certain situation. The judges are in charge of carrying out this duty. The meaning of the law is determined by the courts.
3. **Role in Lawmaking:** The judiciary is involved in lawmaking as well. The meaning, character, and reach of the laws passed by the legislature are really determined by the court rulings. Since it is these interpretations that actually define the laws, the judiciary's interpretation of the law amounts to lawmaking. Furthermore, inferior courts must abide by the rulings of the higher courts, known as the Courts of Records. On the basis of the rulings rendered by the higher courts, the latter can decide the matters that are before them. A source of law is judicial decisions.
4. Justice, fairness, impartiality, honesty, and wisdom are all factors that judges consider when making decisions in circumstances where the law is silent, ambiguous, or appears to conflict with another piece of national legislation. Making laws is always a part of such decisions. Typically, it is referred to as equity legislation.
5. **Rights Protection:** The judiciary has the primary obligation to protect peoples' rights. If a citizen's rights are violated or threatened to be violated by the government, a private organization, or another citizen, that person has the right to seek the protection of the legal system. The judiciary is tasked with upholding the rights of the people in all such situations.
6. **Constitutional guardian:** The judiciary is responsible for protecting the Constitution. The judiciary has the duty to interpret and uphold the Constitution, which is the ultimate law of the land. Any statute may be subject to judicial scrutiny for this reason in order to determine whether or not it complies with the word and spirit of the constitution. Any statute that is deemed ultra vires (constitutionally unsound) is rejected by the judiciary and is rendered invalid going forward.. The ability to get the enforcement of decisions and judgments made by the court: The judiciary has the authority to not only issue judgments and resolve disputes, but also to obtain their enforcement. The executive can be instructed to carry out its decisions. It has the power to call anyone and obtain the truth immediately from him.

### Judicial Matter Relating to Civil and Criminal Matters:

Conflicts involving breaches of property contracts, fraud in financial transactions, small omissions, etc. are classified as civil wrongs and may be the subject of a civil process. In these situations, the parties who have been wronged should file civil lawsuits. Justice is dispensed by courts by taking into account the specifics of the wrongdoing. Before civil courts, civil wrongs are redressed by issuing injunctions or by paying the party who was wronged damages or compensation. In actuality, the court with the lowest jurisdiction should hear every lawsuit[3]. The Munsiff's Court is the court with the lowest jurisdiction on the civil side. The Munsiff's Court is the appropriate court to try the case if the topic of the lawsuit has a value of rupees one lakh or less. The suit shall be brought before the Subordinate Judge's Court (Sub Court) if the value exceeds Rs. 1 lakh. Before the District Court, an appeal of the Munsiff court's ruling has been filed. If the subject of the claim is worth up to Rs. 2 lakh, an appeal from the Sub Court's rulings must be made to the District Court. The High Court should hear the appeal before the Supreme Court if the amount is more than two lakh rupees. Any judgment, decree, or final order rendered by a High Court in a civil case within the

territory of India may be appealed to the Supreme Court if the High Court certifies that the case involves a significant legal issue of public interest and that, in its judgment, the Supreme Court should resolve the issue[4].

### **Criminal Offenses**

A criminal case is one in which a person or organization—referred to as "the defendant" or "the accused"—is charged with a criminal offense, such as burglary, assault, battery, or murder. In India, there are often two streams of criminal prosecution. The first stream deals with criminal cases that are started based on police reports or filed police complaints, whereas the second stream deals with cases that are started based on private complaints. The Director of Public Prosecution oversees prosecution in relation to the first stream through public prosecutors. A public prosecutor must preside over every trial before a Sessions Court, according to Section 225 of the Criminal Procedure Code. Additionally, private parties that have private concerns may represent themselves in court by hiring their own attorneys. A prosecuting attorney brings a criminal case on behalf of the state. A private party, usually an individual or company, brings a civil complaint against another individual or entity[5]. Both entail presenting arguments before juries that are presided over by judges.

## **DISCUSSION**

### **(People Judicial) LokAdalat:**

The idea of LokAdalats is a singular contribution to international legal jurisprudence made by the Indian legal system. It is an informal system of justice delivery that has mainly been successful in giving litigants an additional forum for the resolution of disputes. It was derived from Gandhian ideas by Mahatma Gandhi and is also outlined in Section 89 of the Code of Civil Procedure, 1908, which has proven to be a significant aid to courts. The Legal Services Authority Act, which was passed in 1987, further grants these LokAdalats a statutory status, supporting Article 39-A of the Indian Constitution, which orders the state to set up LokAdalats to ensure that the functioning of the legal system promotes justice on the basis of equal opportunity.

These LokAdalats offer three advantages, including quick conflict settlement, lower litigation expenses, and the avoidance of additional appeals, which makes them the ideal tool to ease the increased stress on the judiciary for handling cases[6]. The National LokAdalats resolved over 47 lakh cases in 2018, including about 21 lakh pending lawsuits and 26 lakh pre-litigation cases. As a result, their effectiveness has been crucial in lowering overly aggressive lawsuits. The author will address the idea of LokAdalats in the nation, their functioning, benefits, areas for improvement, and their role as functionaries towards access to justice for the poor and disadvantaged while keeping in mind their contribution to Indian jurisprudence.

### **LokAdalats' Operation:**

Since LokAdalats are more commonly referred to as the people's courts, they must be accessible to citizens at all levels of government. The Legal Services Authority Act, 1987 (hence referred to as "the Act") establishes a hierarchy of courts from the lowest to the highest where LokAdalats may be convened in order to provide effective and prompt justice. The people in charge of these Adalats include active or former members of the judiciary as well as other individuals as deemed necessary by the body in charge of holding LokAdalats in the relevant region.

The jurisdiction of these LokAdalats extends to any issue or subject that is being heard by that court in accordance with its original jurisdiction because it runs parallel to the courts organizing them. The exemption to this authority relates to matters involving offenses that are not punishable by further punishment. They are unable to be decided in LokAdalats. In accordance with the Act's provisions, these courts may also take cognizance of disputes that the parties have agreed to be settled through them or if one of the parties files an 87 application with the court requesting that the case be referred to LokAdalats for resolution and the court is initially convinced that there is a chance of settlement.

Resolution and Award: Following the admission of disputes, the LokAdalats hear the case and quickly resolve the issue by coming to a settlement or compromise. In LokAdalats, dispute resolution tends to favor compromise over definitive decision-making[7]. In any instance, the LokAdalat has the authority to send the issue back to the courts for resolution if the parties are unable to come to an agreement and it is determined that the matter requires further clarification.

Once the court is ultimately satisfied, it issues a decision about the dispute that is final and binding on the parties. There is no room for appeal against the award because it is enforceable as a civil court order. Therefore, this clause guarantees that the judgment is final and that the issue is resolved once and for all.

### **Positive aspects of LokAdalats**

The effectiveness of LokAdalats is predicated on a number of advantages it has over traditional courts of law. These elements are what allow it to settle many issues quickly. As follows:

Significant procedural freedom exists since important procedural rules like the Indian Evidence Act of 1882 and the Code of Civil Procedure, both of which were passed in 1908, are not properly adhered to. Through their attorneys, the parties can communicate directly, which is not possible in a traditional court of law. Due to its dynamic nature, LokAdalats are able to balance the interests of both parties and make decisions that are agreed upon by both.

**No Court Fees:** When a matter is filed in a LokAdalat, there are no court fees due. The court cost initially paid in the court on the complaints/petition is also reimbursed to the parties if a case that is currently before the court is referred to the LokAdalat and resolved afterwards. Award that is final and binding: In accordance with Section 21 of the Act, the LokAdalats' decision is final and binding. As there is no room for appeal from this definitive ruling, the cases are dismissed in the first instance.

**Maintaining Good Relations:** The main focus of LokAdalats is on reaching a compromise between the parties. A LokAdalat conducts the proceedings in the capacity of a conciliator, not an arbitrator. Its purpose is to convince the parties to come to an agreement and aid in settling their contentious disputes. This promotes mutually agreeable agreements. As a result, problems are not only resolved but also the goodwill between the parties can be preserved. As a result, it is a very beneficial method of resolving disputes.

The LokAdalat decisions are seen as being on par with civil court rulings. However, the LokAdalats are unable to carry out the enforcement of these decisions. The parties must submit an application for enforcement in order to carry out the award because the civil courts are responsible for this task. The author suggests giving the LokAdalats themselves these enforcement powers in order to make sure that the choices made are carried out to their fullest extent.

**Lack of Criminal Jurisdiction:** The LokAdalats' criminal dispute jurisdiction is only applicable to legal compoundable offenses. As a result, minor offenses like petty theft and other minor crimes are no longer under the scope of LokAdalats. Therefore, this needs to be reconsidered to include LokAdalats in the jurisdiction over minor offences[8].

### **Level of State Authority:**

The Member Secretary of the State Legal Services Authority would set the LokAdalat's benches. A member of the legal profession; a social worker interested in the implementation of legal services programs or schemes and engaged in the uplift of the weaker sections would make up each bench, along with one or both of a sitting or retired judge of the High Court.

**High Court Level:** The Secretary of the High Court Legal Services Committee will appoint the LokAdalat's benches, each of which will be made up of a sitting or retired High Court judge, a member of the legal profession, and either one or both of a social worker interested in implementing legal services programs or schemes and working to uplift the weaker sections[9].

**District Level:** The Secretary of the District Legal Services Authority would appoint the LokAdalat's benches. Any one or both of a member of the legal profession, a social worker interested in programs and engaged in the uplift of the weaker sections, or a person engaged in paralegal activities of the area, preferably a woman, should be on each bench, along with a sitting or retired judicial officer. At the taluk level, the secretary of the Taluk Legal Services Committee would form the LokAdalat's benches, with each bench consisting of a sitting or retired judge, a member of the legal profession, a social worker interested in implementing legal services schemes or programs for the underprivileged, or a person involved in paralegal activities in the locality, preferably a woman.

#### **State LokAdalat:**

At regular intervals, LokAdalats at the national level is held. On any given day, LokAdalats are held in every court in the nation, from the Taluk Levels to the Supreme Court, where a sizable number of cases are decided [10]. The establishment of the Permanent LokAdalat is permitted by Section 22-B of the Legal Services Authorities Act of 1987. For the purpose of establishing a mandatory pre-litigation process for conciliation and settlement of matters connected to Public Utility Services like postal, transportation, telegraph, etc., Permanent LokAdalats have been established as permanent bodies with two members and a chairman. In the event that the parties are unable to agree, the Permanent LokAdalat will have jurisdiction to decide the matter, so long as it is not related to a criminal offense.

### **CONCLUSION**

The Indian judicial system's composition and operations are examined in this lesson. Based on historical legal precedents that were left behind by British colonial rule, the Indian judicial system adheres to the common law system. The Supreme Court of India, the High Courts, and other courts at the district, municipal, and village levels make up India's judicial system. The judiciary also carries out a number of other duties in addition to the aforementioned principal ones. These include selecting clerical and other staff members, as well as picking certain local court officials. Cases involving the granting of licenses, patents, and copy rights; the appointment of guardians and trustees; the admission of wills; the selection of trustees to manage the property of minors; the resolution of disputes regarding the succession of property and rights; the selection of receivers; the naturalization of aliens; marriage and divorce proceedings; election petitions; and similar matters. The judiciary performs all of these duties and is very vital to every state. By exercising its right to interpret and defend the Constitution from all abuses on the part of the legislative and executive branches, it also contributes to its evolution.

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## CHAPTER 8

### SIGNIFICANCE AND ROLE OF PLANNING IN RURAL ADMINISTRATION IN INDIA

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Sourabh Batar, Assistant Professor  
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India  
Email Id- [battarsourabh@gmail.com](mailto:battarsourabh@gmail.com)

#### **ABSTRACT:**

It is important to remember Sir M. Visvesvaraya's contribution to Indian planning. Additionally, he had a strong belief in economic planning. He is credited as founding the Planning Commission because of his 1934 book, "A Planned Economy for India." He wrote numerous other books on topics including nation-building, unemployment, and rural industrialization. After independence, Sir M. Visvesvaraya first presided over The National Planning Committee; however, he was encouraged to resign so that former Prime Minister Nehru could take over. Planning, according to renowned scientist MeghanadSaha, was a combination of science and politics, but Visvesvaraya resigned, and Nehru took over as chairman of the National Planning Committee. Even though our own planning nearly covered the last 70 years, we still refer to India as a developing country. Natural and human resources are abundant in India. However, our country's national output and consumption are quite low when compared to developed nations. Today, we can still see poverty, ignorance, misconceptions, and an unequal distribution of income. A coordinated approach to development is considered as being necessary once all of these issues have been resolved. Rapid and balanced development should be possible for the country, and the primary issues should be lessened.

#### **KEYWORDS:**

Administrative System, Centralized Planning, District Planning Equipment, Indian Planning Board, Rural Administration.

#### **INTRODUCTION**

Planning is impossible without a thorough understanding of financial institutions, trade, transportation, and other related sectors of society.

1. **Economic survey:** to survey the entire economy for which it is planned, the total land and other natural resources of the country, national growth rate, population and population growth rate, agriculture, industry, etc. and their condition.
2. **Assign Authority:** The officer must represent an organization and the main organization will assign the functions for the entire nation. One such organization is the Indian Planning Board.
3. **Clearly defined social ends:** According to the Planning Board of India, planning for any economy or nation is impossible without first ensuring that the stated objectives are within reach. The planning board can come up with the best solution to reach the goal if it is clear what it is trying to do. For instance, some of the goals that might be applied to India are rapid economic growth, the abolition of unemployment, and the eradication of poverty [1].
4. **Planning Tools:** Using financial survey data, it is chosen how to use the available resources in the most effective and inexpensive way possible to achieve the stated goals. Money is regarded as capital because it brings resources together.
5. **Mindful Prioritization:** The number of basic or objective goals is limitless. The choice of achievement is intentionally made after taking into account the available resources. For instance, starting all of India's modern industries at once is not conceivable. So organizing the fundamentals, including some capital and other sectors, consumer goods industries, etc., is the first step in planning.

6. **Production Decision:** In an unplanned economy, individual producers use a market system to decide what to produce, how much to do, etc. However, in a planned economy, the central authority makes this choice. When deciding what quantity to manufacture and where to deliver it based on the order, one must use machines and some manual labor, a combination of techniques, or an intermediate approach.
7. **Considering Distribution:** What to produce and how to distribute it are decided. Naturally, it is up to the planners to decide how to get consumers to buy this product.
8. Program with a deadline: To maximize the use of the resources that are produced in the proper order in order to achieve the predetermined goals [2].

### **Plans for every goal:**

Planning therefore entails choosing in advance how to move forward with development while keeping the entire economy in mind. The characteristics of democratic planning in India are as follows:

1. There are many sectors in India's democratic planning, including the private, public, and cooperative sectors. The planning takes these all-encompassing areas into account.
2. Because there are various industrial sectors, choices on production are made locally.
3. Efforts are undertaken to regulate particular market products. The majority of planners aim to reduce living expenses.
4. The development of the nation after independence required public involvement. Additionally, following independence, the expectations of those who were living in exile had grown. As a result, in Indian planning, the opinions, ideas, and participation of the public are all considered.
5. India had a relatively underdeveloped economy when it gained independence. One may assume that ongoing therapy, such as planning, would be advantageous for a growing population, inefficient farming, out-of-date production methods, poverty, ignorance, etc.

### **Centralized preparation:**

A central planning authority oversees the entire planning process in centralized planning. For each economic sector, the authority establishes goals, targets, and priorities in a centralized plan[3]. This authority makes decisions regarding the major economic issues, such as what and how much should be produced, how and for whom it should be produced, etc. The foundation of the planning process is bureaucratic regulation and control.

Such planning is strict by nature. There is no such thing as economic liberty, and all economic activity is governed from above [4]. The process of centralization is stated to involve the concentration of decision-making in a small number of individuals. All lower level issues and actions, as well as all key decisions and actions, are subject to senior management's approval. Allen defines "centralization" as the systematic and regular reserving of authority at strategic locations within an organization. Decentralized planning, on the other hand, refers to the implementation of the plan at the local level. In accordance with it, a plan is created by the national planning body after consultation with the nation's various administrative divisions. Plans for the states under a federal structure and plans under central schemes are both included in the central plan. Plans at the district and village levels are included in state plans[5]. Despite government control and regulation in some sectors of the economy, prices of products and services are set by the market process under decentralized planning.

## **DISCUSSION**

### **The following describes the Indian system of decentralized planning (multi-level planning):**

1. Planning at the national level: In 1950, the Planning Commission was founded. It is the primary and ultimate authority in the field of planning. Consider the jobs of setting the plan's priorities and distributing resources broadly among the various sectors. The National Development Council was founded in 1953 to serve as a link between the union and the state and to coordinate the supply of

goods, services, and foreign trade. It also engages in strategic planning [6]. The task of creating and putting into action programs aimed at raising people's living standards is also included.

2. At the interstate level, the National Development Council, a conduit between the Union and the states, was founded in 1953. The union government, the Planning Commission, and the state governments make decisions regarding matters involving uniform policy for the entire nation. The National Development Council debates and approves the five-year plans created by the Planning Commission.
3. Planning at the state level: Over the past few decades, most states have improved their planning infrastructure. Within the framework of the five-year plans, they create state plans. Planning at the state level focuses primarily on providing infrastructure, which includes irrigation, power, roads, and transportation, as well as social services, and on activities related to agriculture and its affiliated industries.
4. District level planning: The drafting of plans for the development of a district, minor and medical irrigation projects, small-scale industries, agriculture and animal husbandry, and the delivery of social services within a district are all covered by district level planning.

### **Indian Multi Level Planning Features:**

- a. Multi-level planning entails strategizing at multiple levels. The planning decision-making process in India takes place at the federal, state, and local levels. The following list of characteristics of Indian planning can be summed up:
- b. Using multiple levels of planning: Planning in India is done at numerous levels, not just the central level, as indicated by the term "multiple" in the phrase "multi-level planning." Therefore, it is also done at the district and state levels at the federal, state, and local levels
- c. India's planning techniques planning and dictatorship are two sides of the same coin, according to the Western democratic philosophy. There is a happy medium between planning and democracy in India.
- d. Decentralized or multilevel planning is economic in character, while democratic decentralization of the planning process through multilevel planning is political in nature.
- e. Decentralized planning: Multi-level planning is a type of mixed and attractive decentralized planning. This is due to the decentralized nature of the decision-making process used in this process. Planning systems established at various levels are given the authority to decide on their own planning and development.
- f. Participatory Planning: Multi-level planning involves participation from individuals from all walks of life. Locals to other locals They can be used in more effective planning because they are aware of the challenges and know which ones should be prioritized in terms of development.
- g. Regional Planning: A fundamental idea in multilevel planning is regional planning. The geographic expansion of the areas to be explored for efficient planning should be kept to a minimum. A development group has been allocated a 9000 sq km territory by the planning board. Should not exceed, and it is advised. In India, the idea of regional planning was gradually developing. More efficient planning can be done if the planning area is constrained.
- h. Planning through a debate of points of view: Multi-level planning issues are addressed through conversations with national, regional, and local leaders as well as other powerful groups [7].

### **Design and functionality of district planning tools:**

The fundamental regional element of India's administrative structure is the district. District planning refers to the planning done as part of the multi-level planning process for the development of the district. District planning, according to the planning board, is the process of attaining community development in the district by making adequate use of the natural resources and labor force present in the district's regional area.

Manpower is also evaluated. The district's development needs are identified. Priorities for Development 100 are established. Resources are coordinated, and development goals are sought to be realized within the allotted time. The district's administrative machinery and elected representatives make decisions about the district's planning and development process. Thus, decision-making and decision-execution are done during the planning phase at the district level. Planning for a district actually involves planning for its talukas. In other words, each taluka, a subdivision of the district, has its own development plan, while the district as a whole plans for the development of all the talukas.

The development plan for the talukas is coordinated in accordance with the district's overall developmental requirements. Each district now has a District Planning Cell in place to handle this duty. The District Planning Officer is in charge of this department, which consists of a team of professionals. Geographers, statisticians, and economists are all represented[8]. Together with the PanchayatSamiti group development officers, this department creates the taluka's development plan. Development plans for the district based on all taluka development plans.

### **Reforms made to District Planning Equipment Since 1992:**

India used centralized planning in the 1950s and 1960s. The planning process was all-encompassing. On March 15, 1950, the Planning Board was constituted. Only at the central level were the first two five-year plans created. Later, the monarchs understood the importance of including the states in the planning and decision-making process. For this reason, the National Development Council was set up on August 12th, 1950. Varied states in the nation have varied needs in terms of development. The third five-year plan was split into a central plan and state plans in light of this[9]. It was determined that the demands of the states should be prepared by the states themselves because each state's needs are unique. He then gave the state governments the order to establish a planning structure.

In order to replace one tier planning with two tier planning, a state level planning system was formed in 1964. A decentralized or multi-level planning process was necessary as a result of this concept, which also caused the necessity for multi-level planning. In September 1991, when P.V. NarasimhaRao was prime minister, he presented the Constitution Amendment Bill to the Lok Sabha. The bill was approved by both the Lok Sabha and the Rajya Sabha on December 22, 1992. The legislation was enacted on April 24, 1993. Article 243 of the Indian Constitution contains Article 243 to Article 243 (o) of the Panchayat Raj system. The Indian Parliament now includes the 11th Appendix as a result of this Act. Planning has therefore been done at the village, taluka, and district levels.

- a. Three-tier Panchayat Raj: In accordance with the 73rd Amendment, taluka and district planning for rural development has been completed. Institutions under the Panchayat Raj have been created.
- b. Gram Sabha: At the village level, the Gram Sabha was established in 1992 or later, and goals and programs for the village have been developed. The creation and authority of the Gram Sabha are outlined in Section 243(a).
- c. Panchayat structure: Section 243 (a) established panchayats to facilitate and facilitate planning for rural development. At the village level, gram panchayats are acknowledged as the lowest level. This is how the entire community and region are being planned
- d. Reservation system: In accordance with Section 243(d) of the Indian Constitution, seats have been set aside for members of Scheduled Castes, Scheduled Tribes, and Backward Classes in Panchayat State institutions in proportion to their population.

According to the 73rd Amendment, Panchayat Raj Institutions were given control over district planning and development. District Planning and Development Committees were consequently disbanded in 2000. A district planning committee with the majority of the people's representatives has been established in their place to create a district-wide development plan by combining the plans created by the district's Panchayats and Municipalities.

The District Planning Office's primary responsibilities and functions are as follows:

1. To call District Planning Board meetings at least every two months and to follow up on the recommendations made at those sessions with the relevant State Government Departments and other organizations;
2. To monitor the implementation of various plan schemes in the districts generally, to identify the limiting factors in the implementation of plan schemes, and to present the issue to the District Planning Boards and State Government with specific suggestions for ensuring swift and efficient implementation
3. To compile and combine the quarterly progress reports of district-level plan schemes that had previously been completed by the District Statistical Officers, to present these consolidated reports to the District Planning Boards for review, and to then finalize the consolidated quarterly progress reports of such district-level plan schemes for submission to Government in the month after each quarter [10]. Quarterly progress reports can be acquired from the district heads of development departments, who can also provide any additional data or materials required for the reports' creation;
4. To ensure coordination among all the District heads of Development Departments in the formulation and implementation of plan schemes.
5. To undertake such other activities as may from time to time be assigned to them by the District Planning Boards or by the Government.
6. To perform all other functions as assigned to them by the Government.

### CONCLUSION

In India after independence, the Planning Board was founded on March 15th, 1950. With a focus on democratic decentralization, the planning process was applied at the national, interstate, state, and district levels. The district planning apparatus was developed in the same way as the national planning and state planning apparatuses by implementing a multi-level planning procedure. Every level of the system received autonomy, freedom of choice, and sufficient financial support. The fundamental regional unit of India's administrative system is the district. Similar to this, the planning system for the districts has been integrated into the development process.

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## CHAPTER 9

### PUBLIC PARTICIPATION AND RURAL ADMINISTRATION IN INDIA

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Bhirgu Raj Maurya, Assistant Professor  
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India  
Email Id-[brmourya.mourya321@gmail.com](mailto:brmourya.mourya321@gmail.com)

#### **ABSTRACT:**

Public participation is now universally acknowledged to be crucial to a democracy. The phrase Participation Culture had to be used by political scientists like Amanda. It implies that democracy depends on the people's meaningful participation in the political process. In the West, we can observe this kind of significant engagement. The rulers and the populace communicate on a political level frequently. The opposite is true in developing nations. In this situation, Amanda refers to subject culture. Such a nation has produced a wide variety of political communication instruments. But the majority of people are unaware of it. The majority of people in our nation approach politics in a traditional way. The citizens of that nation would rather pursue a leader than take action on their own. Obviously, this does not imply public involvement. Low levels of literacy exist. The divide between the people and the government is very wide. Amanda claims that kings and queens are from a different civilization. The administration and the government must work hard to include as many citizens of the developing world in the democratic process as they can. The development process will move more quickly with increased engagement. Otherwise, only administrative or governmental programs will be one-way processes. This chapter deals with significance of public involvement in planning for rural development and to find ways to make public participation easier.

#### **KEYWORDS:**

Human Participation, Non-Profit Organizations, Panchayat Level, PublicParticipation, Social Change.

#### **INTRODUCTION**

The village Panchayat, an elected body at the village level, is mentioned in the guiding principles of state policy. The word "village" in this context basically refers to a revenue village or a collection of revenue villages. There are three levels to the Panchayati Raj System: Gram Panchayat village assembly is the name given to the first level of government at the village level, Panchayat Samiti to the second level at the block level, and ZilaParishad to the third level at the district level. The Panchayats Act of 1996 stipulates that elections for the village Panchayat are held every five years, with a minimum of one-third of seats reserved for women and a proportionate number of seats reserved for members of scheduled castes and scheduled tribes [1]. The Panchayat (also known as Gram Sabha) has been given the authority to handle the creation and implementation of plans for social justice and economic development on a representative list of 29 subjects under the Constitution Amendment Act of 1992. The Gram Sabha is an entity of self-government that has been given the discretionary authority to be prescribed with powers and duties by the relevant state.

Additionally, it has been suggested that a District Planning Committee be established in order to combine the plans created by the Panchayats and Municipalities to create a district-wide integrated development plan. A State Finance Commission (SFC) has also been mandated to be established in order to review the financial standing of Panchayats every five years, make recommendations regarding the rules governing the division of tax revenues between the state and Panchayats, and determine how much money will be granted in aid to Panchayats from the Consolidated Funds of the State.

The Village Development Officer (VDO) and the secretary are in charge of carrying out the plan at the Panchayat level, and the Gram Sabha, which is presided over by the Gram Pradhan, oversees it. According to the current regulations, money from the center is directly distributed to the Gram Sabha (Village

Panchayat) to carry out rural development programs like IRDP, JRY, etc. Additionally, the Panchayat is in charge of implementing other socioeconomic programs as well as promoting agriculture, rural industries, maternity, women's, and children's welfare, maintaining common grazing areas, village roads, tanks, wells, and sanitation[2].

They may also be allowed to oversee primary education and collect land taxes in some locations. Gram Panchayats are currently active in the process of identifying program beneficiaries for anti-poverty initiatives. Both the elected officials and the rural populace at large have high hopes and expectations given the new stature given to the Panchayats by the Constitution. However, the operation has advanced somewhat slowly and haltingly due to the political makeup of the governments in the Indian states, the unwillingness of the political and administrative functionaries at the state level to cede power and authority, and some genuine financial and economic difficulties [3]. It has been shown that elected members of Panchayat Raj Institutions lack planning and administrative abilities and are mainly ignorant of the political and economic components of development concerns. This is especially true for female elected officials who are forced to carry out their duties under a variety of harsh restrictions.

### **Human Participation in Rural Planning:**

Depending on the particular development programs and activities, the people in general include the target population, the clientele, the beneficiaries, the men and women, the old and the young, the formal and informal leaders in the community, and people from different segments and strata of the community. In a broader sense, "people's participation" refers to their full involvement with development organizations in choosing the programs and activities, setting priorities, taking the initiative, and carrying out the projects as partners by contributing their ideas, interest, materials, money, labor, and time[4]. The extent of people's participation depends on the activity's nature, length of execution, technicality, clientele it serves, whether it is a single project or affects the entire community or just some segments of it, location, amount of money involved, and, most importantly, what the development agency specifies about the type of participation at various activity stages and the quantity and quality of participation it anticipates.

Agriculture, animal husbandry, cooperation, rural industries, rural engineering including minor irrigation, roads, buildings, health and sanitation including family welfare, family planning, women's welfare, child care, and nutrition, education including adult education/social education and adult literacy, youth welfare, and community organization are all included in rural development programs[5]. The community as a whole, some segments, or specific target populations, such as small and marginal farmers, artisans, women, and, in general, people designated as weaker sections the people below the poverty line are all covered by various programs, schemes, and activities that are additive, expanding, and tapering off. The range, form, and mode of people's engagement are all determined by or limited by the programs or activities by their very nature.

## **DISCUSSION**

Three broad categories could be used to classify the development programs:

1. Individual-based, where the individual is the aim or beneficiary and only that individual is allowed to participate (ex: agriculture, livestock, poultry, family planning, nutrition, adult literature)
2. Community-based the projects or programs that affect the entire community or just a portion of it, such as irrigation, plant protection, contour bunding, roads, buildings, schools, community centers, midday meal programs, environmental sanitation, and community-wide activities).
3. Community-based and individual-based initiatives. Some of the aforementioned initiatives fit into both the communal and individual categories.
4. Without the response and support from individuals and the society at large, such activities cannot be successfully launched and carried out.

Due to the nature of rural development programs, which are typically started by development agencies, engagement by individuals may take many different forms, including the following: reacting to the



programmer, accepting the idea, the process, and adopting new technologies. Giving moral support; taking part in decision-making and working with others to carry it out; contributing funds, materials, and labor; assuming initiative and organizing people and resources; and Assuming initiative and responsibility for projects Participation in rural development is a process of education. It is a development training that involves people in the projects and helps them own them[6]. In order to achieve these goals, a sense of awareness, participation, belonging, possession, and ownership must be fostered. It aims to foster independence, self-assurance, competence, and managerial skills. Its goal is to teach individuals how to take the initiative, carry out, and continue their actions. Its purpose is to strengthen and revitalize local communities and spur social action. Its objective is to help people identify their strengths, raise their aspirations, organize their resources, and direct them toward useful ends. Through participation, individuals move from the margins to the center, from passivity to activity, and from acceptors to thinkers, decision-makers, doers, and implementers. Human Resource Development (HRD), or the development of internal and human resources with external community support and stimulus, is the ultimate goal and process of people's participation.

### **Why People should Participate?**

The concept and presumptions that underpin people's involvement in rural development are substantial. We could take a quick look at them.

1. The entire philosophy of rural development is based on the very straightforward and obvious premise that, no matter how large and effective the government apparatus may be, it is utterly unable to bring about the necessary economic and social revolution to guarantee a better and richer existence for the vast majority of people who live in rural areas. 'Catalytic agents' was the only role assigned to the rural development staff. The notion was that initiatives that began as government initiatives involving the public should morph over time into initiatives involving the public and the government [7].
2. Communities can build their own capacity to address issues (we presumptively believe individuals are capable of and willing to change).
3. Individuals take part in directing social development in their local communities. Change that is brought about via collaborative effort and social involvement is practical and democratic. Unlike those that are forced from above and without coming from inside, self-made changes last.
4. A holistic approach is preferable to a fragmented one since a community's life is a whole in and of itself, and any attempt to address one aspect of the whole is certain to have an impact on others.
5. Citizens must develop their democratic citizenship since, without their own participation in sharing obligations and carrying them out, their society's democratic framework cannot be strengthened. Without the development of the supporting institutions, democracy will deteriorate, if not die. The expansion of democracy is the fundamental tenet of community development. In order for democracy to work, power must be decentralized and widely distributed across different social strata.
6. People require assistance in resolving their fresh issues. External assistance stimulates the community's internal resources. Communities are like to young children that require a support while learning to walk. This serves as the foundation for agency operation and assistance.
7. Social tension is produced by sub-groups' propensity to grow into distinct entities within a community and must thus be managed. Their focus needs to be shifted to endeavors of shared interest.
8. Personal growth is hampered by the obstacles that stop people from actively contributing to social change. Therefore, the process of community development must be structured in a way that the community functions for the benefit of the person and the community's expansion. Communities must be structured in a way that fosters personal development.
9. The feeling of community has been lost by urbanization, so it is important to restore it in rural areas where the majority of developing countries' agricultural inhabitants live. In a rural society, the

contractual relationships of an urban society do not function well. Industrialization makes it much more difficult to create and uphold shared values that serve as the foundation for community cohesion.

### **The Value of Public Involvement:**

In Maharashtra, Ahmednagar is well known for being such a drought-prone area. Ralegan Siddhi was developed by senior social worker Shri. Anna Hazare with the help of the general public, and it is now renowned throughout the world as the perfect example of rural development. Similar to this, Shri. Popatrao Pawar, the Sarpanch of Hiware Bazar in the Ahmednagar district, has also contributed to the general growth of the village. The significance of public involvement in the development process can be stated as follows using the aforementioned real-world examples.

- a. **To instill unity and consciousness in the plan:** The political and development processes appear lifeless if there is no public engagement and cooperation. These processes come to life through the involvement of people. It becomes conscious. It also demonstrates to the general public the sense of community that exists during such events. The populace has certain demands made of it. Participation of the general population is necessary for them to be successful. Therefore, it can be shown that these programs are supported and endorsed by the general public [8]. Therefore, attention should be paid to encouraging spontaneous engagement of the populace rather than emphasizing that something should be imposed by the government.
- b. **Required for social change:** In a developing nation, society's modernization is a major duty. But such work is also challenging. Political efforts are thus wholly insufficient. The nation's restoration depends on public participation. The masses so become their own sculptors. She is free to grow how she wishes. Therefore, it is preferable to involve the public throughout the development process. People should be involved in creating and carrying out a variety of development strategies and activities. The development program is therefore unparalleled. You are not involved in it in any way. The committee of senior MLA Balwantraji Mehta had also stated that the absence of public support and disregard for the program were the primary causes of the social development and national expansion plan's failure. Governments can act at their own risk, as Pandit Jawaharlal Nehru, India's first prime minister, once observed. But government efforts and public involvement must be balanced if we are to enjoy the long-term and sustainable benefits of development. Particularly, societal transformation is not pushed on the general populace. The only way society can advance and flourish in the truest sense is if the people accept the new, modern principles on their own. Information on this source text Source text necessary for further translation details
- c. **For the welfare and prosperity of the populace:** In a developing nation, the term "development" is used broadly to refer to all aspects of human progress. Citizens therefore have full access to opportunities for nation-building participation. It can be applied to development. Programs at the local level are the main sources of public support. In such a situation, the government should offer financial support and rely on the unplanned cooperation of the populace. As a result, the general public believes that it is involved in its own development. The new notion of rural development has made public engagement a key component. As a result, the Maharashtra government has successfully accomplished rural development programs like Jalaswarajya, HagandariMuktaGaon, SantGadge Baba SwachhtaAbhiyan, etc. with the help of the general population.
- d. **Raise the population's standard of living:** The expectation is that the people's standard of living will rise as the developing nation as a whole develops. When Rajiv Gandhi was prime minister, he stated in his 114th speech that rural areas faced challenges at the national level. Only fifteen paise of every rupee spent on the impoverished make it to rural areas. The

implemented schemes and programs will be realized if people's involvement in rural development rises.

NGOs carry out a number of duties in underdeveloped nations. In this, we find NGOs working for disaster relief, development initiatives, the health sector, agriculture, social change, and many other things. These categories can be used to separate NGOs' work:

- a. **Physical works:** This type of work involves the physical tasks necessary for a country's development. Work on developing infrastructure, such as roads, irrigation systems, factories, power, seeds, and fertilizers, etc. There is a direct-indirect connection between these works and the general audience. In India, there aren't many NGOs focused on building hospitals, bridges, and roads. There are numerous agricultural groups, nevertheless [9]. NGOs have a significant impact on India after the Green Revolution. Additionally significant is his agricultural research. In Canada, Europe, and Germany, there are numerous NGOs engaged in agricultural activities.
- b. **Organizational and cultural activity development:** NGOs prioritize cultural activities. This involves establishing up study groups, fundraising, planning events, acting, music, etc. Community members who work as doctors, engineers, lawyers, traders, etc. gather together and participate in cultural events.
- c. **Educational Facilities:** Pre-primary, primary, secondary, and college volunteers the groups' efforts are to be commended. These organizations manage several educational institutions all throughout the world. The government ought to acknowledge their significance and offer these organizations the necessary financial support. Distinct states have distinct laws that affect how NGOs operate. Over 80 colleges in Maharashtra are managed by private organizations. It is remarkable the work done by the Gokhale Education Society, RayatShikshanSanstha, and Deccan Education Society. The instructional efforts of private institutions have received acclaim from the Education Committee of 1966. Such a significant burden for education could not have been carried by the government alone [10]. NGOs have made an effort to carry out this duty.
- d. **Rural Development:** The official government agency for rural development is Panchayat Raj. However, it also cannot be denied that numerous NGOs are assisting the government in this endeavor. Otherwise, the government would have been solely responsible for rural development and Panchayat Raj. Every day, a network of philanthropic groups is being woven in the countryside. They act in different ways and carry out other activities. For instance, work to provide for the basic requirements of rural residents to give educational resources and focus on individual health.

## CONCLUSION

The importance of planning cannot be overstated in developing nations. The planning and development process need public engagement in a democratic nation like India. People must understand that development efforts serve the needs of the populace. The public must participate in the planning and development process as well as in NGOs if the notion of sustainable development is to be realized. NGO involvement in rural development has always been significant, both before and after independence. Without a doubt, the process of rural development will benefit from public involvement and the work of NGOs. As we've seen before, the level of participation is influenced by the rural community's social and class structure, its norms and practices for making decisions and carrying out individual and group activities, its perception of the programs and projects started by development agencies, and its residents' own skills. Furthermore, and most significantly, it depends on the conditions that the development agencies set regarding people's engagement, as well as how they organize, inspire, encourage, and enable people's participation. Participation from others appears to be asking for trouble. The paradox is why individuals don't participate in programs while they are intended for people, for their benefit, welfare, and advantage.

Lack of knowledge and motivation are factors in low or nonexistent involvement. Participation is lower when issues are of a technical character beyond the people's comprehension and experience.

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## CHAPTER 10

### INDIA'S GOVERNANCE: PROBLEMS AND CHALLENGES

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Yogesh Chandra Gupta, Assistant Professor  
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India  
Email Id- [cognitor.yogesh@gmail.com](mailto:cognitor.yogesh@gmail.com)

#### **ABSTRACT:**

In the society, there are countless activities being carried out by both individuals and organizations. An organization or tool is required to oversee the welfare of the populace while also coordinating, regulating, and giving these operations the essential direction. All of these are done by the state through government agencies. We see that educational institutions like schools and colleges are frequently run by the government. Similarly, there are government established hospitals, dispensaries, and primary health centers that provide health services to the people. The government is the organ that looks after maintenance of law and order and the provision of basic goods and services to the people such as education, health, transportation, power, etc. In certain locations, the government has been the only supplier of goods and services since the country's independence. But over the past 20 years, there have been a lot of global changes that have an impact on India as well. Today, a robust private sector works with the government to deliver services to the populace. Additionally, the civil society or people's organisations are actively involved. We are currently transitioning from a system of governance that is largely controlled by the formal "government" to one that is more inclusive of the private sector, people's associations, and civil society organizations.

#### **KEYWORDS:**

Global Changes, Governance, Information, Public-Private-People Partnership.

#### **INTRODUCTION**

It depicts government in its true, everyday form. For instance, you can request a phone connection from a government agency like Bharat Sanchar Nigam Limited (BSNL) or Mahanagar Telephone Nigam Limited (MTNL). You must first go to the office with a member of your family and fill out all the necessary paperwork. You receive notification that a telephone connection has been approved after a predetermined period of time, and it is eventually placed at your residence. Thus, "administration" refers to a set of tasks that, in our example, were performed by the telephone organization's staff at various levels in order to effectively and efficiently offer you, as a citizen, with a telephone connection[1].

As you can see, administration entails a number of tasks. These include organizing the functions, formulating policies, hiring and firing employees, leading, monitoring, and controlling the activities, and managing the financial resources, among other things. Any organization has various levels or divisions where individuals are responsible for carrying out particular tasks. For instance, in a school, there are multiple teachers, each of whom teaches a particular subject, along with a Head Master, Headmistress, or Supervisor at the elementary, middle, and high school levels. The Principal is in charge of the school's general administration. Therefore, administration is "headed" by a person or a board for control and coordination. Let's now talk about the central, state, and local levels of governance in India.

#### **Indian administration: structure and functions:**

While judicial responsibilities entail adjudication or resolving disputes based on the laws and their interpretation, executive functions are concerned with putting laws into practice. The Union Government's top legislative body is the Parliament. The state legislature is responsible for carrying out legislative duties at the state level. Several ministries or departments, including those in charge of the departments of education, health, finance, and railways, implement or carry out the laws established by either the federal or

state legislatures. A minister, who serves as the political executive, is in charge of each ministry or agency. The secretary, who typically is a member of the Indian Administrative Service, is the official head of the ministry or department. We will now have a general discussion of the design and operation of Indian government at the federal, state, and municipal levels.

- i) **Union Level:** The President, who is the head of state according to the constitution, makes decisions with the help and counsel of the council of ministers. The true executive is comprised of the Prime Minister and his council of ministers, each of whom is in charge of a specific responsibility. The Prime Minister's office, the Cabinet Committees, and the Cabinet Secretariat are some of the primary political wings that spearhead significant programs and offer guidance and support to the other administrative branches. At the Union level of governance in India, the Cabinet Secretary serves as the overall head of the civil service and the government.
- ii) **State Level:** As was previously, the Chief Minister, along with other ministers, is the actual Executive, while the Governor serves as the Constitutional head. Similar to at the university level, a number of departments, including those in charge of education, health, and finance, are in charge of state administration. Professionally, the Chief Secretary serves as the chief coordinator of the state's administration.
- iii) **Local Level:** The 73rd and 74th Constitutional Amendment Act of 1992 gave local self-government (both rural and urban) a legislation. Now, let's talk about the crucial elements of this act.

Following the 73rd Amendment, the Indian Constitution established a three-tier Panchayati Raj system at the village, block, and district levels. Each adult who is listed as a voter on the village's electoral lists is a member of the gram sabha. In addition to this, there is the grampanchayat at the village level, whose members are elected. Scheduled Castes, Scheduled Tribes, and women are allotted seats. There is a panchayat samiti at the block level. Each state has a different structure[2]. Members of the Panchayat Samiti are chosen directly by samiti voters. The state legislature reserves a certain number of seats for the Panchayat Chairperson, MPs, MLAs, and MLCs. At the district level of the Zilla Parishad, a certain number of seats are set aside for members of Scheduled Castes, Scheduled Tribes, and women. It has elected lawmakers, women, and people from Scheduled Castes and Scheduled Tribes. The 73rd Constitution Amendment Act of 1992 outlines the composition, authority, committee structure, and financial arrangements for various bodies.

### **Concept and Key Characters of Governance:**

The over-reliance on "government" as the exclusive source of many services and infrastructure has led to some issues. These include a growth in government spending, protracted delays in finishing some projects that result in cost and time overruns, and citizen discontent with the delivery of services. Since the 1980s, significant political and economic changes have occurred all over the world, particularly in several developing nations like India, as a result of the effects of globalization, which included countries all over the world expanding trade, the entry of multinational corporations, the fall of the Soviet Union, and the USA's growing dominance on several fronts. Gradually, it became apparent that the government must stop directly providing services in favor of private actors in a variety of industries. As a result, the government began to include other participants in the governance process, including the commercial sector and groups of individuals collectively referred to as "civil society."

The gap between the public and private sectors is closing, and society is being governed with increasing participation. Let's now talk about the definition and fundamental elements of "governance." Simply put, governance refers to the process of decision-making and its application in circumstances involving group issues. This is not to say that the government's past efforts to formulate and implement Social Sciences

policy effectively were unsuccessful[3]. With the use of the phrase by foreign donor agencies like the World Bank, the United Nations Development Programme (UNDP), and others starting in the 1990s, the term "governance" has gained popularity. These international institutions first brought attention to some critical flaws in the governance system of the developing countries at the beginning of the 1990s. As we all know, the developing countries, including India, depend on the developed countries for technical and financial assistance. These included the inability of the public to access information, a lack of transparency, subpar management of the public sector, and an inadequate legal framework. In light of this, it was suggested to make "governance" a fundamental part of overall governmental operations in order to manage a nation's affairs in the public interest in an efficient and accountable manner at all levels.

The focus of governance is on making the entire activity responsible, democratic, participatory, and responsive to the needs of the people, rather than just the routine implementation of laws and programs. In the past, administration has meant creating and carrying out policies inside a framework of hierarchy, rules, and regulations, with citizens acting as merely passive consumers of services. In comparison to genuine two-way interactions with citizens, administration was more formalistic. Even the populace is now claiming their rights and calling for improved administration. This transformation is still evident in the present day. The Delhi government recently announced that it would be raising the cost of electricity. People were angry about how the electricity supply was being distributed, and there were loud demonstrations. Road blockades and agitations were used, and ultimately the decision to raise the tariff was reversed. This is merely intended to demonstrate how the government process works when citizens are actively involved. Opening up the "government" arena to diverse actors and coordinating the actions of the public, commercial, and nonprofit sectors constitutes governance[4].

You may be acquainted with the Pulse Polio Programme, for instance, which attempts to immunize every kid against polio. Despite being a government initiative, it is carried out at all levels by both public and private clinics and hospitals in both urban and rural locations, frequently with the direct assistance of the local populace. The goal of governance is to ensure the greatest good for the greatest number of people, not simply via government efforts but also through community and private organization initiatives. After comprehending the definition and nature of governance, we will talk about its fundamental elements. Which are:

- i. **Accountability:** Governance places a strong emphasis on holding all governmental organs responsible for carrying out their duties. In the modern era, we see situations when police are held responsible when they fail to carry out their responsibility of apprehending the offenders. Through rallies and large-scale protests, people demand justice and ask questions. Additionally, during elections, electorates have the authority to remove elected officials from office if they are unhappy with how they are serving their constituents. All of this show how important accountability is to the government process.
- ii. **Public involvement:** Governance tries to increase public involvement in developmental initiatives. In India, the management of local affairs is handled through locally elected representative entities known as Panchayati Raj Institutions (PHs) and municipal bodies. The 73rd and 74th Constitutional Amendments have established 'ward' committees in every municipality and 'gram sabha' in every panchayat in order to increase public participation.
- iii. **Rule of Law:** Good governance necessitates a just legal system that upholds people's rights and administers justice.
- iv. **Transparency:** Traditionally, administration operated under the tenet of secrecy and was very secretive about sharing information with the population they serve. The situation has changed at this point. People want to access information from the government on issues that interest them since they are participants in the governing process. For instance, the amount spent by the local government on a development plan must be provided if a farmer in the community requests to know. This is valid not only for public or government organizations but also for businesses in

the private sector. They have a responsibility to offer the information requested by the individual using their services [5].

- v. **Effectiveness and Efficiency:** The provision of effective and efficient services by any organization defines governance. As an illustration, you go to the electricity office to pay your bill. Most services are delivered effectively and efficiently because they are computerized. There is a fear that organizations are gradually ingraining to deliver services that satisfy citizens.

## DISCUSSION

### Strategies for Governance: The Indian Context:

Following independence, India took a number of actions to advance the welfare state and meet the needs of the populace. The Fundamental Rights and Directive Principles of State Policy have been incorporated into the Indian Constitution, which was adopted in 1950, as we have covered in Unit 7. To accomplish the socio-economic goals, planning was used as a development tool. The Planning Commission was established to make the planning process official. The aims established by the planners are followed by the governance system. Self-sufficiency, economic expansion, industrialization, modernization, and social fairness are a few of them[6].

The Indian Constitution allows for the establishment of significant commissions that are crucial to the country's governance system, including the Union Public Service Commission, National Commission for Scheduled Castes, National Commission for Scheduled Tribes, and the Election Commission. Additionally, the Parliament has established a number of commissions through the passage of Acts. These include the State Human Rights Commissions, National Commission for Women, National Commission for Backward Classes, and National Human Rights Commission. All of these Commissions work to protect people's freedom, equity, and dignity in social, political, and economic matters. India's governance methods and structure had been created and modified periodically to satisfy the country's general welfare goals and objectives.

At the time of independence, the government's primary responsibilities were to collect taxes and keep the peace. The government is taking many initiatives to include residents as participants in the development process now that it has reached a particular degree of development in a number of areas. There are currently initiatives underway to support the people's overall development and advance a more responsive, responsible, and citizen-friendly government. In this context, some of the projects include:

The government or public organizations like the water and electricity departments, railroads, hospitals, and pharmacies offer a wide range of services to the populace. Most people aren't aware of the different kinds of services, methods, ways to complain and file grievances if they're unhappy with the services, etc. The idea of citizens' charters was presented by the government to help with this. These are declarations that tell the general public on various parts of the subject matter that are relevant to them, such as the goals, the organization's functions, and the processes for using the services, etc. Citizens can easily and conveniently use the services offered by these organisations thanks to this exercise. Take a peek at the citizen charters of any government organization the next time you go there.

**Right to Information:** As we noted before in this unit, most citizens were unable to access information about government actions. For instance, tracking the progress of file movement in a government organization was extremely challenging. Governmental affairs have traditionally been conducted in secret. The involved organization was reluctant to give the citizen information about Governance in India. The situation has changed at this point. The Right to Information Act of 2005 was passed by both the federal government and numerous state governments, including Rajasthan, Karnataka, and Madhya Pradesh. This makes it possible for a citizen who is interested to contact any ministry, department, or government organization to obtain the information they need, with the exception of some material related to national defense or security. The Act clearly outlines the numerous channels via which one can request information and the timeframes within which one can receive it[7]. Utilization of information and communication



technology (ICT): The advancements in this field are enabling the delivery of services in an effective and efficient manner. The computerization of land records is happening even in rural areas. At Panchayats, people have access to computers from which they can learn about agricultural commodity prices, auction prices, etc. You are aware of how email facilitates a quicker and more efficient flow of communication.

One-stop service centers have been established in some states, like Andhra Pradesh and Kerala, where individuals may go to get services including birth and death registration, property tax, energy, and water bill payment, among others. You are aware that reservations for trains and airlines can be made online from home. ICT has made it easier for consumers to obtain a wide range of information. Bangalore's City Corporation has introduced the Customer Complaint System (CCS) in order to make governance more responsive. An acknowledgement receipt is given once a complaint is made, and an assistant revenue officer is given charge of investigating the situation. The information is entered into the computer after the concerned officer acts within the allotted time window, and the citizen is informed of the outcome.

iv) Public-Private-People Partnership: Institutions of local self-government operating with public input include urban local bodies known as Nagar Palikas and Panchayati Raj bodies at the local level. The administration is now obtaining public and private sector participation in a number of programs. The Resident Welfare Associations (RWAs), which are prevalent in metropolitan areas, play a significant role in providing local cleanliness, waste removal, environmental protection, etc. For instance, the 2000-launched Bhagidari (Partnership) Project is receiving widespread acclaim in Delhi. The government collaborates with organizations including the Municipal Corporation, the Water Supply Board, the Electricity Supply Undertaking, and the Resident Welfare Association. They get together on a regular basis and work to find solutions to issues that affect everyone.

In Kolkata, a commercial corporation that has been contracted by the Corporation handles the municipal government's waste management activities, including the collection, segregation, and disposal of the garbage. Similar to this, the Bangalore Agenda Force was established in Bangalore to improve the city. This organization is a collaboration of local residents, community organizations, and other official institutions like the police, Bangalore Development Authority, Bangalore Electric Supply Corporation, and Water Supply and Sewerage Board.

### **Major Concerns:**

As we've already discussed, governance plays a significant role in the contemporary administrative landscape. It seeks to maximize public welfare. Government, business, and civil society organizations are all involved. The creation of a framework or system that can support an adequate balance between these three constituents represents a significant challenge for the governance process. It is important to maintain and improve the standard of governance. The following are some of the significant problems and difficulties with governance:

#### **Enhancing the governing institutions;**

In India, the parliament is the highest authority on representation. The electorate is represented by the political representative. Many times, worries are voiced regarding the declining standards in terms of participation quality, how proceedings are conducted, and other issues [8]. As a result, it's important to establish effective parliamentary norms and procedures and transform Parliament into a dynamic organization that can adapt to changing circumstances.

**Enhancing the efficiency of the government and bureaucracy:** The permanent executive is ultimately in charge of carrying out policy. It is essential to create a civil service that is attentive to the requirements of the public, professional, and enthusiastic. Creating a judiciary that is independent and answerable will reassure the populace. The court should be viewed as a powerful tool for upholding social justice and upholding the rule of law[9].

Making the private sector responsible through implementing ethical corporate practices, upholding legal requirements, and defending the interests of consumers. Educating the populace about their rights and responsibilities and involving them in all aspects of development. In order to effectively address the problems and difficulties facing administration, the three branches of government the executive, legislative, and judiciary must be linked in the right way. Government must achieve an appropriate balance between judicial independence and parliamentary sovereignty [10]. As the state, private sector, and civil society all play significant roles in the governance process, it is necessary to clearly define the tasks and responsibilities of each of these groups so that they may collaborate on genuine, people-centered development initiatives.

### CONCLUSION

The executive, legislative, and judicial branches of the state are permanent political entities that carry out its operations. The primary provider of services to the public has always been the government, as we have discussed in this unit. The federal system of government operates under a well-defined framework at the federal, state, and local levels. The last three decades have seen a steady introduction of the broader concept of governance, which encompasses the public, corporate, and non-profit sectors. The three constituents of governance must work together in the current situation, as we have extensively covered in the Unit. Accountability, public engagement, transparency, and obedience to the law are demanded. Governments all across the world are pursuing initiatives to promote governance. India has started a number of such initiatives, as we have mentioned in the Unit. The right kind of reforms in the public, corporate, and civil sectors are necessary for these steps to be successful. The ultimate goal is to establish high-caliber governance. Some of these issues were highlighted in this unit.

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## CHAPTER 11

### INDIA'S STATE FINANCES: A CASE FOR SYSTEMIC REFORM

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Pradip Kumar Kashyap, Assistant Professor  
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India  
Email Id- [pradipragnul@gmail.com](mailto:pradipragnul@gmail.com)

#### **ABSTRACT:**

This chapter offers a comprehensive summary of India's current state-finance issues. It opens with a review of the historical development and contemporary institutional frameworks, including the federal system of India's economy, politics, administration, and finances. The next section of the essay examines the state of the state government finances in India. It then discusses a number of events that have influenced the states' current fiscal situation, including the contributions of local government reform, intergovernmental transfer systems, tax reform, and national economic reform. Then, policy alternatives for improving the fiscal federalism system, state borrowing options, and governance are explored, with a focus on the idea that states should have the right incentives for maintaining fiscal restraint at the boundaries of revenue and expenditure.

#### **KEYWORDS:**

Contemporary Institutional Frameworks, Fiscal Reforms, Intergovernmental Transfers, State Finances, Value Added Tax.

#### **INTRODUCTION**

India is a sizable and diverse country where modernism coexists with old customs. With more than a billion citizens, it has effectively established and maintained the greatest democracy on earth. The dominance of democratic institutions in the nation has only ever been temporarily threatened once throughout the fourteen national elections that have been held. India's success has been attributed in part to its ability to maintain a balance between subnational variety and national unity. Different political philosophies and ideologies have developed within the confines of the Constitution. Regional identities' rising influence on state and federal politics has led to a rise in this type during the past two decades[1]. The market is now given a bigger role than in the past, and there has been a steady shift towards at least a weak agreement with regard to economic policy. Changes in economic policy may have encouraged faster growth.

The political system has also encountered new difficulties as a result of economic liberalization. The threat of private wealth thriving as islands in the midst of public filth has grown as regional inequality has increased, and governance has occasionally been reduced to giveaways and running away from responsibilities. On the other hand, some states or regions have been successful in attracting businesses of the highest caliber. The focus has increasingly shifted from federal policy to state government operations. The economic and political performance of the Indian states exhibits great disparities. However, one thing they have all had in common over the past ten years is a worsening of their financial circumstances. If India is to continue on its current high growth trajectory, understanding its state finances and figuring out how to fix them within the framework of wider economic reform in India will be a critical undertaking over the coming years. The historical financial woes of nations like Argentina and Brazil serve as a sobering reminder of the enormous social and economic implications of mismanagement of subnational national finances.

This essay offers a thorough, largely self-contained summary of Indian governmental finances. The paper is organized as follows. A summary of the historical development and contemporary institutional frameworks, including the political, economic, and administrative facets of India's federal system. The federal fiscal systems in India are described in detail. Section 3 examines the position of the state government's finances in India now before delving more into a number of topics, such as the contributions

of national economic reform, the intergovernmental transfer system, tax reform, and local government reform. In Section 4, policy options for the redesign of the intergovernmental transfer system, state borrowing options, and governance reform are discussed with a focus on the idea that states should have the right incentives for fiscal restraint at the margins of revenue and expenditure. We contend that each of these areas needs significant modification.

### **Background and Context:**

Numerous federal institutions in India have their roots in the country's past as a British colony. The circumstances of independence, with the painful division of the nation, also had a significant impact on the composition and operation of the intergovernmental relationships in the nation. Overall federal institutions have been impacted by differing ideologies and economic conditions; these institutions are briefly explored in this section

The Government of India Act of 1858 imposed direct sovereignty under the British Crown, with an ad hoc combination of centralized (the Viceroy, an Executive Council, and a small number of district level British administrators) and decentralized (the Indian princely states) administrative structures. In the nineteenth century, the British gradually took over a subcontinent that was politically fragmented and troubled. The British made attempts at administrative decentralization as Crown power was strengthened, introducing city governments and dividing up sizable subnational groups[2]. Financial decentralization was started as a precursor to addressing the alleged need for local self-government as a nationalist political movement arose. Initially, some budget categories (including police, health, and education) were given to the province governments, which now had their own budgets and received yearly lump sum allocations. Further delegation of tax authority and expenditure responsibilities followed, along with procedures for income sharing.

India was envisioned as a decentralized federation in a 1918 constitutional reform study, which led to further devolution of power to the provinces. Although the subjects of administration and the sources of income were split between central and provincial powers, the Indian government remained essentially unitary[3]. A revised proposal for the assignment of tax authority ensures greater central fiscal autonomy and the distribution of central income taxes with the provinces. The original proposal for the assignment of tax authority would have required provincial payments to sustain the central government. The 1935 Government of India Act called for the assignment of legislative functions among three lists—Federal, Provincial, and Concurrent—and suggested relatively weak federal arrangements. The Act offered a thorough division of tax authorities and revenue sharing plan on the financial front[4].

Although the 1935 Act's federal elements were not implemented until after Indian independence, the Indian Constitution's framers primarily relied on this Act to create the new legal framework. However, the consequences of the country's division heightened the demand for a powerful center. Accordingly, the idea of federalism was developed: a division of powers between the federal government and the states, but with clear residuary powers at the federal government, and the potential of the federal government to significantly impede the states in unique situations. As a result, the Constitution included centralizing elements that were absent from earlier British laws but were closer to their usage in India[5]. The Constitution kept the specifics of how expenditure and revenue authorities, income sharing, and grants were assigned, even if the governmental institutions envisioned in the 1935 Act were largely abandoned.

## **DISCUSSION**

### **Administrative and Political Structures:**

Since 1950, India has been a constitutional democracy with 28 states, six "Union Territories" (UTs), and Delhi as its National Capital Territory (NCT). The chief ministers of the states, the NCT, and the UT of Pondicherry all have elected legislatures. The center's appointees directly govern the other UTs. Additionally, each state has a governor who is formally chosen by the President but who actually acts as the Prime Minister's envoy[6]. India's directly elected parliamentary-style governments at the national and state

levels, as well as emerging directly elected government entities at various municipal levels, serve as the main conduits for the exercise of statutory constitutional authority. Explicit negotiating and discussion have recently been used to address the issue of overlapping political authorities at the national and state levels. A platform for discussing and potentially resolving some political and economic issues of shared interest was established in 1990 and is known as the Inter-State Council (ISC). The Prime Minister, state Chief Ministers, and a number of central cabinet ministers are all members of the ISC. Even though the ISC is just advisory, it has formalized the discussion and approval of a number of significant issues that affect India's federal structures, such as revenue sharing and inter-state water disputes.

Administrative and judicial institutions have been affected by political and economic centralization. The provisions of Part XIV of the Constitution grant the Indian bureaucracy constitutional legitimacy. Any bureaucracy in a federation will have a federal character since each political layer of government needs its own administrative infrastructure, and state governments need the ability to hire and fire bureaucrats to carry out state-level policies. India, which has both a central bureaucracy and independent bureaucracies in each state, exemplifies this. The Indian Administrative Service (IAS), whose members are selected through a centralized process and trained collectively before being allocated to specific states, is the main part of the bureaucracy. Although the legislative/executive branch has some influence on appointments, the judiciary is a separate part of government at both the federal and state levels.

IAS members have some judicial authority at the local level. As the highest court in the legal system, the Supreme Court has extensive original and appellate jurisdiction as well as the authority to decide whether or not a law approved by Parliament is constitutional[7]. The Supreme Court and the legislature/executive have disagreed on the extent of these powers, but in particular cases of center-state relations involving taxation and property rights, the Constitution's inherent centralizing bias skewed the Court's interpretation in favor of the center. The High Court's oversee all state courts, including district and other inferior courts, at the state level, beneath the Supreme Court.

### **Monetary federal institutions:**

Assigning expenses and taxes

The Indian Constitution divides up the duties and responsibilities between the center and the states under its Seventh Schedule. The schedule lists the exclusive powers that belong to the federal government (the Union list), the states (the State list), and those that fall under joint authority (Concurrent list). The center receives all remaining powers. The way expenditure functions are assigned is quite typical among federal states and, in general, accords with the theoretical justification of economists. The duties of the central government include those necessary to preserve global trade and relations, macroeconomic stability, and duties with ramifications for several states. Public order, public health, agriculture, irrigation, land rights, fisheries and industries, and minor minerals are among the key issues given to the states[8]. The states also play a big part in the concurrent list's topics including education, transportation, social security, and insurance.

In India, the division of tax authority was founded on the principle of separation, with specific tax categories being assigned solely to the center or the states. The majority of broad-based taxes, such as corporate tax, production taxes (apart from those on alcoholic beverages), taxes on income and wealth from non-agricultural sources, and customs duties, have been allocated to the center. The states are given a vast list of taxes to impose, but only the tax on the sale of products has had a substantial impact on state revenue. Political and economic issues that have reduced or prevented state governments from using taxes on agricultural land or revenues are largely to blame for this limited effective tax base. All remaining tax authority has also been granted to the center. There are various issues with the tax assignment mechanism. There are opportunities for evasion due to the division of income tax authority between the federal government and the states based on source (agricultural versus non-agriculture). Additionally, although being legally distinct, central manufacturing excises and state sales taxes tax the same base, producing overlap and limiting the states' ability to impose their own taxes. The states were also permitted to tax the

sale and purchase of products, but not services (item 54 in the State list). This made it easier to evade taxes and put off developing and implementing a comprehensive value added tax (VAT).

A significant vertical fiscal imbalance has been the result of the Indian assignments of tax and expenditure authorities, their specific implementation, and the response of various levels of government and tax payers to the assignment. The states generated, on average, 38 percent of the government's revenues but 58 percent of its expenditures in 2002-2003. Transfers from the federal government make up the shortfall, albeit it might be argued that the system's unfavorable fiscal incentives for the states have made the mismatch worse. In fact, the states' capacity to fund their ongoing expenses out of their own resources of income has been declining over time, falling from 69 percent in 1955-1956 to 52 percent in 2002-2003. The states were even more reliant on the federal government in terms of total expenditures (including capital spending), with only 42% of their total spending being funded by domestic tax collections in 2000-01 (RBI Annual Reports). The following sections list the four basic transfer pathways for vertical imbalances.

Significant advancements have been made in the areas of financial sector regulation, trade liberalization, and the elimination of barriers to domestic industrial investment. But in other ways, the federal government's efforts at fiscal consolidation moved some of the difficulties of budgetary adjustment to the state level. The effects of openness have spread to the subnational level as a result of the reforms' increased independence for state governments to make decisions on their own[9]. The incentives for foreign capital to join a state's jurisdiction can now be influenced by state governments. According to an Indian state, capital from other nations or states can be treated equally in conventional policy situations. Therefore, the final effects of capital entry on a subnational government will also be influenced by the internal mobility of labor and capital. Another factor to take into account is the likelihood that the fiscal health of the states as a result of their policies may affect the credit rating of the entire country on international capital markets.<sup>14</sup> States now have the opportunity to borrow money for structural and developmental adjustments from multilateral organizations like the World Bank and Asian Development Bank thanks to reforms. In theory, these are intended to strengthen the fiscal positions of the states in the short term (through fiscal reforms) or long term (through growth), but in reality, the systemic issue of soft budget constraints, which is brought on by past central government bailouts and guarantees, makes these loans potentially future contributors to the states' fiscal stress

In addition to any potential role, it may play in increasing efficiency, the federal and state governments have also taken privatization into consideration as a tool for fiscal adjustment. The significant implicit subsidies for persons working for PSEs are a key component of opposition to privatization. The power sector has had the most issues. Large deficits and the requirement for coordinated electricity sector reform provide extra issues for state-level PSEs like the SEBs. The central and the states share responsibility for providing electricity. Every state has had a SEB that is a component of the state government and is vertically integrated in terms of generation, transmission, and distribution. The SEBs suffered significant losses as a result of political pressures and inefficiencies, and they were a significant factor in the states' fiscal deficits. The issue is worse than the budgetary estimates suggest. For instance, in 2000-01, the SEBs suffered losses of nearly 260 billion rupees, of which only 60 billion rupees were explicitly accounted for in state budgets as subsidies to the SEBs. Even though the power industry received early attention during the economic reform process, one of the biggest obstacles to sectoral reform and new investment was the SEBs' apparent insolvency, which prompted foreign investors in generation to request guarantees from the state governments for payments for electricity sold to the SEBs[10]. Due to their own financial difficulties, the state governments additionally requested counter assurances from the federal government.

### **System of Intergovernmental Transfers:**

The Finance Commissions' methods and procedures have drawn criticism, despite their success in creating standards and stability for center-state revenue distribution. The two main earlier criticisms were that (i) the Finance Commissions' purview through the Presidential terms of reference was overly constrained and (ii) the design of their transfer schemes reduced state government incentives for fiscal restraint (through 'gap-

filling' transfers), while contributing little to reducing inter-state inequities. The previous two Finance Commissions, which were given broad terms of reference with regard to evaluating the overall fiscal status of the national and state governments, partially addressed the first of these issues. However, this has not resulted in more control over transfers in general: The Finance Commission has no authority over transfers to the Planning Commission or central ministries, although it is permitted to remark on their effectiveness and related decision-making procedures.

The benefits of payments from the Finance Commission on fiscal discipline are especially pertinent given the states' current financial strain, although there hasn't been much of a change recently. The Eleventh Finance Commission increased the importance placed on fiscal responsibility, but this addition alone did not provide the states with a strong enough incentive, especially in light of the availability of off-budget activities and other transfer routes. This change was maintained by the Twelfth Finance Commission, although prior decreases in the relative weight provided to population were reversed. This later change came at the expense of the weights assigned to infrastructure and measures that are adversely connected to income. The Twelfth Finance Commission's approach to emphasize this equalizing channel was to boost various types of grants, which were occasionally made categorical (such as for health and education). The latter weights were intended to enhance horizontal parity. Unfortunately, this strategy diminishes any correlation between budgetary restraint and transfers and enhances the ad hoc nature of transfers. The overall conclusion might be that a more thorough reassessment of the formulas used to determine Finance Commission is necessary than has been performed in recent years.

### **Fiscal Reforms:**

The nature of tax assignments in India, as described in the paper, is one reason why the intergovernmental transfer system struggles to handle big transfers and various objectives. More specifically, the states' reliance on transfers heavily encourages political bargaining and makes budgetary restrictions softer, which could lead to a loss of efficiency and worsen the states' fiscal stress. Tax assignment reform is a supplementary measure to the intergovernmental transfer system reform[11]. Tax reform can also increase the effectiveness of interstate tax competition, which will benefit growth and the long-term fiscal health of the states. At the same time, it must be acknowledged that encouraging efficiency and growth would necessitate eliminating some of the states' current tax revenue sources. Even at the best of times, this is challenging, and it becomes even more so when the states have significant budget deficits. Consequently, a well-planned tax reform is necessary.

The development of a coordinated consumption-tax system is still quite difficult. It was noted the issue caused by the Constitution's failure to expressly include services within the scope of states' sales tax authority and provided detailed recommendations with regard to issues such as rates, interstate sales taxes, and tax administration for a dual VAT coordinated between the Center and the States. Rao has proposed a constitutional change to shift the taxation of services from the Union list, where it implicitly resided (through the Center's residual authority over taxes not expressly defined in the Constitution), to the Concurrent list. Service taxes are to be shared with the states, in a manner still to be determined, and outside the common pool that is allocated by the Finance Commission. However, the central government chose to explicitly add service taxes to the Union List through the 88th amendment to the Constitution, passed in January 2004 but still to be enacted. It is likely that future changes to the tax-sharing system's efficiency and simplification will result in the sharing of service taxes falling entirely outside the Commission's purview.

On the other hand, as of March 2006, the center had generally succeeded in convincing the states to abandon the taxation of interstate commerce in favor of a destination-based value-added tax. In addition to removing certain internal obstacles that have prevented India from developing a real national market, this might also lessen tax exporting by the wealthier states, which would support the role that transfers play in preventing interstate income divergence from becoming politically unacceptable. A well-planned state-level VAT would show to be revenue enhancing over the medium to long term, with any temporary losses

perhaps being made up by the center, according to studies commissioned by the Twelfth Finance Commission. The most recent fiscal data supports this judgment.

### CONCLUSION

Evidently, India's public finances have been much worse over the last ten years and need urgent attention. Since the states also have large off-budget liabilities, the issue is in some ways worse than what is suggested by budget deficits. In this study, we have proposed that the government institutions that have not kept up with changes in the operation of India's market economy are partially, if not entirely, to blame for the issue. Therefore, comprehensive systemic reforms are needed to address the issues with public finances. For instance, we have developed a straightforward approach for rebuilding the intergovernmental transfer system in India, which includes implicit transfers made through debt relief and restructuring. This idea underlines how crucial it is for state governments to cover the costs of their unforeseen expenses.

Recently, the creation of institutions for market borrowing by the states as well as tax reform to increase the effectiveness of taxes levied on the states have received attention. In particular, the earlier modification adheres to the spirit of the marginal principle when used in a dynamic setting. Additionally, we have highlighted adjustments to tax assignments and the marginal principles would be supported in the system of intergovernmental transfers. Recent Finance Commission analyses have argued along similar lines with regard to tax assignments and have identified the broad principles that may govern center-state transfers, but they have either avoided recommending particular changes or have failed to have an impact on practical policy.

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## CHAPTER 12

### ADMINISTRATIVE REFORMS IN INDIA: AN OVERVIEW

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Dal Chandra, Assistant Professor  
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India,  
Email Id-[degautambahjoi@yahoo.co.in](mailto:degautambahjoi@yahoo.co.in)

#### **ABSTRACT:**

When India became independent, it took on the administrative traditions of the colonial era, which were well adapted to the demands of taxation and keeping the peace. The challenges associated with the administrative unification of the princely kingdoms and the rehabilitation of the refugees and the displaced consumed the majority of the Indian government's attention in the years immediately following independence. With India becoming a republic, the goals for its growth were laid out. The country's social and economic development came into sharper focus. Administration that prioritizes people received attention. The administration has to be sensitive to the population's needs for development. As a result, the administration needed to be changed to better suit the requirements of an independent India. The Indian government implemented a number of modifications in administrative procedures. It established a number of committees and commissions, held conferences, and proposed administrative improvements. In this chapter, the significance, necessity, and many types of administrative reforms will be covered first, and then the country's reform initiatives after independence will be covered.

#### **KEYWORDS:**

Administrative Reforms, Decentralization, Devolution Powers, Public Grievance Redressal, Regulatory Reforms.

#### **INTRODUCTION**

Various definitions have been given to administrative changes. There are other names for the Emerging Issues transition, including administrative reorganization, administrative reengineering, rejuvenation, realignment, etc. The concept is that administration needs to be readjusted and re-aligned, and via a planned, systematic, and well-directed process, it must change into a new shape. Shortly put, administrative reforms are the forced modification of the administrative system against opposition. This concept focuses on three key components: administrative reform is artificially pushed; it is a transformative process; and resistance to change processes exists. Reforms do not naturally occur, as is evident[1]. They are carefully thought out, planned, and premeditated programs with well-defined goals. Reform is a forced and managed change since it calls for collaboration, persuasion, and the creation of conviction for improvement. Although it may arise from the accumulation of tiny changes, reform is more than a series of incremental modifications or marginal adjustments. Periodically, this necessitates the need for substantial and systematic efforts. New order is made possible through administrative change. It alludes to the structured transformation process that is formal, mechanical, and deliberate.

#### **The Demand for Administrative Reforms:**

The ability of a modernized social system to adapt to ongoing, systematic change sets it apart from other social systems. In order to break free from the constraints of traditionalism, adapt to environmental changes, absorb new knowledge and technology, and yearn for a new order through the abolition of outdated structures and systems, society must evolve. The universality of this shift is represented by administrative reform, which is only a social sub-system that reflects the values of the larger community. To keep up with the process of outward modernization, administration must also evolve in a commensurate manner. In the absence of equilibrium, imbalances, dysfunctions, maladjustments, and goal displacement would occur[2].

Administrative change is a "problem of dynamic balancing," according to Fred W. Riggs. Since public administration operates in a political environment, the political environment, its institutional dynamics, and process have a significant impact on its fundamental nature, content, and manner of operation. This influence extends beyond simply determining national goals and priorities or choosing between conflicting values and allocating resources to also determining the most efficient means of turning these policies into successful program realities. In addition, the development of Information and Communication Technology (ICT) and the state's pervasive role in managing national resources and assets, managing the entire economy through regulation and development, ensuring a just and equitable economic order, redressing historical social imbalances through newer forms of institution-making, and establishing an egalitarian social system have created new administrative tasks. The administrative skills need to be fundamentally and firmly improved in order to do this. Proper planning, new educational arrangements, the development of skills and attitudes, as well as a variety of other structural and functional restructuring are necessary for the later. The success of administrative reform programs presupposes an interdisciplinary and comprehensive approach, which is the essence of administrative reform.

The market reforms and emphasis on structural adjustment came with the 1990s. The emphasis of today's governments is on good governance, with an emphasis on accountability, efficiency, effectiveness, openness, and decentralization. The traditional function of the State, the government, and the bureaucracy have undergone further change as a result of today's emphasis on good governance. Today, the emphasis is moving from responsiveness to cooperation and partnership. People's involvement in governance and the involvement of several actors are given prominence. The government must work as partners with the people as citizen involvement and collaboration take center stage. With its existing structure and procedures, administration cannot fulfill its modern tasks. It must promote public trust and be user-friendly. As a result, the bureaucracy must adjust to the new function. This demand for change necessitates reforms as a result.

### **Reforms in India's Administrative System since Independence:**

When India gained its independence in 1947, it had to deal with issues like partition, refugees, immigration, mass retirements of the administrative workforce, the integration of the princely States, etc. The philosophy of the new government, which promoted social and economic progress for the benefit of the populace, increased the number of jobs and their associated responsibilities.

The administrative apparatus, which was passed down from the colonial administration and made vulnerable by corrosive conditions and stressful situations brought on by Independence, needed to be rebuilt and strengthened in order to handle the welfare programs and problems [3]. The administration needed to be reorganized, reformed, and regenerated as the instrument for creating and carrying out all developmental programs. The Government implemented a number of initiatives towards administrative improvements. We'll talk about these measures right away.

### **Committee for Economic Organization, 1947**

The Secretariat Reorganization Committee, led by Girija Shankar Bajpai, was established by the Indian government in 1947. The Committee investigated the issues of staffing shortages, improved manpower use, and enhanced working practices in the Central Secretariat.

### **Report on Shri N. GopaldaswamyAyyangar, 1950:**

In his report on "Reorganizing the Machinery of Central Government," Shri N. GopaldaswamyAyyangar performed a thorough examination of the operation of the Central Government machinery.

### **Gorwala Committee report, 1951:**

A Committee led by Shri. A.D. Gorwala stressed the importance of having a transparent, effective, and impartial government in its Report on Public government published in July 1951.

### **Reports from Paul H. Appleby, 1953 and 1956:**

In order to continue these efforts, the Indian government asked Mr. Paul H. Appleby, an American specialist, to provide recommendations for changes to the country's administrative structure. I received two reports from Appleby. His first paper, "Public Administration in India: Report of a Survey," was published in 1953, and it discussed administrative reorganization and procedures. His second report, "Re-examination of India's Administrative System with Special Reference to Administration of Government's Industrial and Commercial Enterprises," was published in 1956 and covered issues related to streamlining organizational structures, hiring practices, and training in these businesses.

Two of the twelve proposals he presented were approved by the Indian government. First, in regards to the founding of an institution for professional training, the Indian Institute of Public Administration, to support public administration research. The second was establishing a central office to serve as the point person for organization, management, and procedures. As a result, the Cabinet Secretariat established the Organization and Methods (O & M) Division in March 1954 with the goal of enhancing the efficiency and effectiveness of government operations[4]. The Ministries/Departments established O&M units and work-study units. The administration and processes of the paper work were improved. For all Ministries and Departments, an Office Procedure Manual was created.

### **Committee on Project Plans 1956**

The Planning Commission established a "Committee on Plan Projects" in 1956 to develop organizational standards, work procedures, and techniques in order to implement the plan projects economically and efficiently[5]. To encourage the adoption of modern management methods, this Committee also formed a Management and Development Administration Division in 1964. Additionally, it conducted research on issues with district-level development administration.

### **Committee on Preventing Corruption 1962**

Under the direction of K Santhanam, a committee was formed to investigate the root causes of corruption, evaluate the current system for doing so, and provide recommendations for improvements. The Central Vigilance Commission (CVC) should be established, the Committee underlined the necessity for expediting procedures connected to anti-corruption.

## **DISCUSSION**

The following actions are conducted in order to make the government and administration responsive to and sympathetic toward the people. The Indian government has ordered all public-facing ministries and departments to create a citizen's charter outlining service standards, turnaround times, channels for grievance redressal, and provisions for oversight. In order to ensure that the citizens' charter is adopted by ministries, departments, and organizations of the Center and States, the Department of AR&PG has coordinated activities in this respect.

### **Public grievance redressal:**

Every ministry and department now have a Director of Grievances in charge of handling public complaints to the Central Government. The deadlines for resolving public complaints have been specified, and software has been created to enable computerized, web-enabled, and networked monitoring of the process for resolving public complaints. In this regard, a compendium of recommendations has been released[6]. Similar to this, a Standing Committee of Secretaries to the Government of India has been established under the chairmanship of the cabinet secretary to oversee the Central government's public grievance redressal procedure.

At the state level, states like Madhya Pradesh, Tamil Nadu, and Uttar Pradesh have established institutional oversight of the Chief Minister's Secretariat's handling of public complaints. In a similar vein, special programs and campaigns have been launched in Andhra Pradesh, Assam, Haryana, Madhya Pradesh,

Maharashtra, Rajasthan, Tamil Nadu, and Uttar Pradesh to bring government to the people. A Public Grievance Commission has been established in Delhi, and similar departments have been established in Assam and Madhya Pradesh.

### **Laws, regulations, and procedure reviews:**

Under the direction of Shri P C Jain, a Commission was established to examine the measures taken in this respect by the various ministries and departments. The Commission recommended a number of changes to laws, rules, and procedures, as well as the repeal of ineffective and superfluous laws, the documentation of laws and subordinate legislation, executive orders, instructions, and circulars, and the simplification and consolidation of rules, regulations, and orders[7].

Through the modification and amendment of numerous Acts and legislation, the ministries and departments have made efforts in this direction. The outmoded legislation has been revoked. The examination of these rules and regulations by ministries and agencies is regularly monitored by the Department of AR & PG. Over 2500 laws were examined by the P C Jain Commission, which suggested repealing roughly 1400 of them and amending about 241 others. A Standing Committee has been in charge of overseeing the follow-up activities.

### **Decentralization and the Devolution of Powers**

The Action Plan calls for the devolution of authority and decentralization of power. This will involve the participation of the populace in accordance with the 73rd and 74th Amendments to the Constitution, participation of the populace and nonprofit organizations in the provision of services, and devolution of administrative authority. The country's PRIs now have constitutional standing, ensuring public engagement. These bodies are chosen through elections. There are roughly 2.5 lakh Panchayats, of which 2.25 lakh are Gram Panchayats, and 3.4 million members have been chosen at all levels of government. Similar status has also been given to the urban local authorities. The 73rd and 74th Act's provisions have been extended to the tribal regions of 10 States under the Extension to the Scheduled regions Act, 1996, and each of these States has passed laws to give effect to these provisions.

This Action Plan clause guarantees public access to information. The Official Secret Act of 1923 and the Indian Evidence Act will both be modified as a result of this. The 2003 Freedom of Information Act is now in effect. Every citizen should have the freedom to secure information that is under the authority of public agencies, according to the Act. It aims to make government more accessible, responsive, transparent, and accountable to the public. With the exception of information pertaining to considerations of national security, this Act makes all information relating to government actions and decisions easily accessible to the general public. Goa, Karnataka, Maharashtra, Delhi, Rajasthan, and Tamil Nadu are among the States that have passed legislation establishing the right to information.

In areas like land records, passports, criminal investigations, judicial administration, tax collection and administration, issuance of licenses and permits, etc., ministries, departments, and other organizations have established Information and Facilitation Counters (IFCs), communications and information Technology-based public service delivery has aided in encouraging administration accountability and openness.

### **Enhancing the Public Services' Integrity and Performance**

#### **Regulatory Reforms:**

The Action Plan seeks to raise the efficiency and reliability of the civil service. The civil servants must uphold moral standards and be dedicated to fundamental constitutional principles like secularism, social justice, and the rule of law, as well as the Emerging Issues of Conduct for the Central and State Civil Services. Additionally, it seeks to control the interaction between public officials and politicians.

It is being discussed to modify the current rules regarding the investigation and dismissal of corrupt officials as well as the recognition of deserving personnel. The names of several top officials for whom the

CVC has recommended action due to corrupt behavior are listed on its website[8]. Among the States that have reported stepping up their vigilance measures are West Bengal, Maharashtra, Nagaland, Kerala, Xarnataka, and Uttar Pradesh. The improvement of public services' integrity has been made possible by the strengthening of the investigation agencies and vigilance machinery, including LokAyukta, CBI, CVC, Income Tax authorities, Enforcement Directorate, and revamping of current procedures for departmental queries and vigilance proceedings.

In this regard, CVC was recently established as a separate and independent entity by executive authority. The bill is still pending in Parliament and does not yet include the provisions for granting statutory status. The central vigilance commission bill, which grants the CVC legal authority to investigate offenses committed by federal employees, corporations, societies, and local governments, was approved by the Rajya Sabha. It stipulates that before opening an investigation into an offense committed by officers with the level of joint secretary or higher in any government agency or PSU, the CBI must receive government clearance. The Lok Sabha passed a bill in February 2003 that calls for the appointment of a CVC and a maximum of four vigilance commissioners. In situations involving public servant investigation, the CBI and Enforcement Directorate have been brought within its jurisdiction. This would promote strong networking between many linked agencies and aid to strengthen the vigilance apparatus.

The Lokpal Bill seeks to address high-level corruption and the connections between politicians, civil workers, businesspeople, and criminals at the Union level. The Parliament is now debating the bill. The comparable LokAyukta institution has already been established in a number of States, including Assam, Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Uttar Pradesh, and Delhi [9]. To increase the integrity of the civil services, the Indian government has created a code of ethics. In addition to the current Conduct Rules, this will be implemented. The state governments of West Bengal, Gujarat, and Madhya Pradesh are also developing codes of ethics for public employees.

To prevent political meddling, institutional processes to examine official postings and transfers are also being developed. To review requests for postings and transfers of officials at the level of deputy secretary, director, and joint secretaries, the Central Government established the Civil Services Board. This will stop the habit of public employees being transferred frequently and arbitrarily. Many States have also established transfer policies that apply to civil servants.

#### **Fifth Pay Commission 1997:**

Mr. RatnavelPandian served as the Commission's founding chairman. The Commission expanded beyond its original role as a pay commission and took on significant administrative reforms. The Commission noted that the government's entire apparatus must be, figuring out the size of the ministry department, preventing file movement beyond three hierarchical levels before a decision is made, introducing the idea of multi-skilling at the Group D level, and giving up the centralized planning model[10].

### **CONCLUSION**

Administrative reforms are essential to the continued operation of the government apparatus. Reforms in both government and administration are now necessary because of the emphasis on good governance. Ever after gaining its independence, the Indian government has implemented reforms. To make recommendations for changes to the administrative system, organization, methods, and procedures, numerous commissions and committees were established. The ARC, which offered reform suggestions for every aspect of administration at the Center and States, was one of the key commissions. The Action Plan on Effective and Responsive Government's execution has undergone significant revisions in recent years. The Plan focuses on three key areas: improving the effectiveness and integrity of the public services; making administration open with the right to information; and responsive and citizen-friendly. The Plan has been partially executed by the Center and the States. More actions in this direction are in the works. The

nodal agency for administrative reforms and the resolution of public grievances is the Department of Administrative Reforms and Public Grievances.

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