

Paper- VIII: Development Administration

Course: B.A. IV Sem

Administrative Reforms Commission

Utkarsh Mishra

Doctoral Research Scholar (JRF)

Department of Public Administration,

University of Lucknow

Administrative

Reforms

Commission

The Central government appointed a six-member Administrative Reforms Commission (ARC) in **1966** under the chairmanship of **Morarji Desai** (followed by **K Hanumanthayya**). Its terms of reference included, among others, the examination of Centre State relations. In order to examine thoroughly the various issues in Centre-state relations, the ARC constituted a study team under **M C Setalvad**. On the basis of the report of this study team, the ARC finalized its own report and submitted it to the Central government in 1969. It made 22 recommendations for improving the Centre-state relations. The important recommendations are:

- 1-Establishment of an Inter-State Council under Article 263 of the Constitution.
- 2- Appointment of persons having long experience in public life and administration and non-partisan attitude as governors.
- 3-Delegation of powers to the maximum extent to the states.
- 4-Transferring of more financial resources to the states to reduce their dependence upon centre.
- 5-Deployment of Central armed forces in the states either on their request or otherwise.

No action was taken by the Central government on the recommendations of the ARC.

Second ARC Recommendations

The second Administrative Reforms Commission (ARC) was constituted by the Government of India (Department of Administrative Reforms and Public Grievances, Ministry of Personnel) in **August 2005** under the Chairmanship of **Veerappa Moily** a senior Congress leader and former Karnataka Chief Minister. It was constituted as a Commission of inquiry to prepare a detailed blueprint for revamping the public administration system. It completed its work in **May 2009**

Commission suggested measures to achieve a proactive, responsive, accountable, sustainable and efficient administration for the country at all levels of the government. The Commission, inter alia, considered the following-

1. Organisational structure of the Government of India
2. Ethics in governance
3. Refurbishing of Personnel Administration
4. Strengthening of Financial Management Systems.
5. Steps to ensure effective administration at the State level
6. Steps to ensure effective District Administration
7. Local Self-Government Panchayati Raj Institutions
8. Social Capital, Trust and Participative public service delivery
9. Citizen-centric administration
10. Promoting e-governance
11. Issues of Federal Polity
12. Crisis Management
13. Public Order

The commission excluded from its purview the detailed examination of administration of Defence, external Affairs, Security and Intelligence, as also subjects such as Centre-State relations, judicial which are already being examined by other bodies. The

Commission was, however, free to take the problems of these sectors into account in recommending re-organisation of the machinery of the government or of any of its service agencies.

REPORTS OF THE COMMISSION

In all, the commission submitted 15 reports to the Government. They are mentioned below in the order of submission

1. Right to Information: Master Key to Good Governance (2006)
2. Unlocking Human Capital: Entitlements and Governance - a Case Study (2006)
3. Crisis Management: From Despair to Hope (2006)
4. Ethics in Governance (2007)
5. Public Order: Justice for Each
Peace for All (2007)
6. Local Governance: An Inspiring Journey into the Future (2007)
7. Capacity Building for Conflict Resolution: Friction to Fusion (2008)
8. Combating Terrorism: Protecting by Righteousness (2008)
9. Social Capital: A Shared Destiny (2008)
10. Refurbishing of Personnel Administration: Scaling New Heights (2008)
11. Promoting e-Governance: The SMART Way Forward (2009)
12. Citizen Centric Administration: The Heart of Governance (2009)
13. Organisational Structure of Government of India (2009)
14. Strengthening Financial Management Systems (2009)
15. State and District Administration (2009)

RECOMMENDATIONS OF THE COMMISSION

On Right to Information

1. The Commission has recommended that the Official Secrets Act, 1923. be repealed saying it is incongruous with the regime of transparency in a democratic society. It stated that the safeguards for state security should be incorporated in the National Security Act.
2. Total reorganisation of public records for effective implementation of the Right to Information (RTI) Act. An office should be set up in each state as a repository of expertise, to monitor all records. One per cent of the funds for all flagship government programmes should be earmarked for five years for updating records and building infrastructure.
3. At Least half the members of the Information Commission (IC) should be drawn from a non-civil service background. Thus, the members will represent variety and experience in society
4. The IC should be entrusted with monitoring implementation of the RTI Act in all public authorities. For this purpose, clear guidelines should be evolved to determine which non-government organizations came under the Act
5. Most requests for information are for redressal of grievances. The states may be advised to establish independent public authorities to deal with complaints of delay, harassment and corruption

on

Public

Order

1.The Commission has recommended repeal of the controversial Armed Forces Special Powers Act (AFSPA). 1958. Stating that its scrapping would remove the feeling of discrimination and alienation among the people of the northeastern States. To provide for an enabling legislation for deployment of armed forces of the Union in the NE States, the Unlawful Activities (Prevention) Act, 1967. should be amended by inserting a new chapter.

2.It favoured a new doctrine of policing and criminal justice embedded in an inclusive approach to governance

3.On another controversial issue of deployment of Central forces in States, the Commission recommended enactment of a law to empower the Union Government to

deploy its forces and to even give them directions in case of major public order problems which may lead to a breakdown of the constitutional machinery in a State. However, such deployment should take place only after the State concerned fails to act on a direction issued by the Union under Article 256. All such deployments should be only for a temporary period not exceeding three months which could be extended by another three months after authorization by Parliament.

4. Favouring separation of crime investigation from other police functions, the Commission recommended that a Crime Investigation Agency be constituted in each State. A State Police Performance and Accountability Commission should be constituted to provide the required autonomy to the police

5. The tenure of the Chief of the Law and Order Police as well as the Chief of the Crime Investigation Agency should be at least three years.

6. On representation of women and underrepresented sections of society in the police, it said that affirmative actions should take care of this aspect but favoured 33 per cent representation of women in the police force.

On Ethics in Governance

1 In the electoral and political spheres, it suggested partial state funding of elections, tightening of anti-defection law, a collegium for appointment of Chief Election code of ethics for ministers and a law to define "office of profit".

2. It recommended abolition of schemes under which MPs and MLAS are allocated funds for their local area development. 3. It proposed the establishment of National Judicial Council that will decide on appointment of judges by a collegium consisting of representatives from executive, legislature and judiciary.

4. It suggested a collegium headed by the PM and comprising of the Lok Sabha Speaker and the Opposition leader, among others, for appointment of the CEC and ECS.

On Local Governance

1. The commission has recommended promotion of local democracy, which is much more than decentralisation and which seeks to build up local bodies as self-governing institutions.

2 It recommended that the government place before Parliament a framework law for local bodies on the lines of the South African Act for laying down the broad principles of devolution of power, responsibilities and functions to the local bodies.

3. At the district level, a third tier of democratic government is proposed to replace the present system.

which is a colonial legacy. In its place a district council, representing both urban and rural areas, should be constituted and the District Collector should work as the chief secretary of the council while reporting to the State government for regulatory functions. This will ensure convergence of planning and developmental activities for rural and urban areas,

4. Parliament to make provision for constitution of a legislative council in each State. It would comprise members elected by the local bodies in order to strengthen the voice of local bodies.

5. To reform the electoral process, the task of delimitation and reservation of constituencies should be entrusted to the State Election Commission.

6. To strengthen local bodies finances. It recommended that a State Finance Commission be constituted in such a manner that it can take into account the recommendations of Central Finance Commission.

On Combating Terrorism

1. The Commission favoured enactment of a comprehensive and effective legal framework to deal all aspects of terror and a federal agency to investigate terrorist offences.

2. It said that dealing with terrorism would require a multi-pronged, comprehensive strategy in which different stakeholders-the government, political parties, security agencies, civil society media would have an important role to play.

3. To choke funds of terrorists, it recommended that a specialised cell be created in the proposed National Counter-terrorism Centre for taking concerted action on the financial leads gathered by various sources.

4. It favoured video recording of statements made as confessions before the police. For this, necessary amendments in the Indian Evidence Act should be made.

On Refurbishing of Personnel Administration

1. The Government of India should establish National Institutes of Public Administration to run Bachelor's Degree courses in public administration/governance/management. The selected Universities also be assisted to offer such graduate level programmes in public administration/governance/public management. These graduates from the National Institutes of Public Administration and selected universities would be eligible for appearing in the Civil Services Examination. Further, other graduates would also be eligible to appear in the Civil Services Examination provided they complete a 'Bridge

Course in the core subjects. The Bridge Course should be run by the same national institutes/universities.

2. The permissible age for appearing in the Civil Services Examination should be 21 to 25 years for general candidates, 21 to 28 years for candidates from OBC and 21 to 29 years for candidates from SC/ ST as also for those who are physically challenged.

3. The number of permissible attempts in the Civil Services Examination should be 3, 5, 6 and 6 respectively for general candidates, candidates from OBC, candidates from SC/ST and physically challenged candidates respectively.

4. The Preliminary Examination should consist of an objective type test having one or two papers on general studies including the Constitution of India, the Indian legal system. Indian economy, polity, history and culture. There should be no optional subjects.

5. The Main Examination should consist of two papers only in the compulsory subjects. These compulsory subjects may include Constitution of India, Indian legal system. Indian economy, polity, history and culture etc. The question papers should be of the conventional descriptive type. Besides, there should be a separate essay paper as a part of the Main Examination.

6. The induction of officers of the State Civil Services into the IAS should be done by the UPSC on the basis of a common examination.

7. A national institute of good governance may be set up by upgrading one of the existing national/state Institutes. This institute would identify, document, and disseminate best practices and also conduct training programmes.