

Department

- principle line units
- biggest blocks immediately below Chief Executive into which the entire work of the Govt. is divided
- Types: large & small, unitary and federal (holding company type) operational & supervisory, concentrated & dispersed,
- Bases of Departmentalization: Gulick : 4Ps
Purpose, process, persons, place
- Haldane Committee on machinery of Govt. recommended Purpose based org. It said person/clientele basis leads to 'Lilliputian admin.'
- Purpose: MNRE, Process: PWD, Persons: DNER, Place: DVC, Foreign Depts.
- Overlap b/m bases common
- Merits & demerits of each base : covered (~~Sadana~~) ^{Gulick & Urwick}
- various modes of org supplement one another.

HOD

- Bureau System : authority to control a dept. is vested in a single individual.
- Boards or Commissions
 - Advisory
 - Administrative
 - Tied into hierarchy (mixed)
 - ↳ e.g. Electricity board, Education board

• PPP: SSO

• IRC: Fadla

- IRC: headless because they are not under the chief executive like other exec. depts. of govt. 4th Branch of govt. because of their mixed functions: administrative, quasi-legislative & quasi-judicial so they don't fit into any of the three traditional branches.

Arms of Congress: Since they are directly responsible to Congress

Brownlow

~~Brownlow~~ Committee (1937) criticised IRCs:

"Headless fourth branch of Govt.", "irresponsible agencies",
"uncoordinated powers."

It recommended: separate their judicial & non judicial
fns & for non judicial fns, integrate them with admin
depts. Congress rejected.

Characteristics of IRCs

- ✓ 1. Independent from executive
- ✓ 2. Regulatory functions
- ✓ 3. Collegial type org
- ✓ 4. Mixed functions
- ✓ 5. Financial independence
- ✓ 6. Bipartisan
- ✓ 7. Expert body
- ✓ 8. Staggered term arrangement
- ✓ 9. 'Headless branch of govt.'
- ✓ 10. 'Arms of Congress'
- ✓ 11. 'Islands of autonomy'

ACCOUNTABILITY

- ✓ control is contemporaneous with an action or event
whereas accountability is 'post-factum' in nature: It
is only after an act has been completed that one is called
upon to render an account of it.
- ✓ concomitant of administrative responsibility
- ✓ evaluate performance w.r.t. goals
- ✓ ensure optimum use of available resources
- ✓ prevent misuse of public resources
- ✓ Devices of facilitating accountability: Hierarchy,
span of control, unity of command, inspection,
supervision, etc.

- ✓ financial accountability: financial advisory system now part of each minister's office.
- ✓ Audit: CAG: powerful tool of accountability
- ✓ as a nation we are fond of self flagellation. It is a national hobby. Surat Plague grabbed headlines but the clean up ... ? // → media should report on positive events too.
- ✓ Corruption spreads from the top. 'As the ruler, so is the citizenry.' We've to stem the tide at all levels, starting from the highest echelons of Govt.

Suggestions:

- ✓ # new legislation: corrupt electoral practices
- ✓ # National Election Fund → to provide adequate funds to political parties; contri from companies allowed and tax relief offered. ~~But~~ Transparency ↑.
- ✓ # Lok Pal Bill
- ✓ # strengthen CVC
- ✓ # High level panel for clean govt: CVC + CAG + Cabinet Secy.
- ✓ # Full time inquiry officers in all depts.
- ✓ # departmental inquiry < 3 months

LEGISLATIVE OR PARLIAMENTARY CONTROL

- ✓ Executive is ~~responsible to~~ responsible to Lok Sabha
- ✓ The administration is accountable to Parliament.
- ✓ Executive will be politically responsible to Lok Sabha, Administration will be technically accountable to Parliament
- ✓ Accountability is ex-post facto
- ✓ Parliamentary control over Admin: direct & indirect
- ✓ Indirect: through Minister
- ✓ Ministers grilled on the floor of the house, Admin ipso facto stands accountable to the sovereign will of the people



- Tools devised :
 - ✓ (i) Parliamentary Questions
 - ✓ (ii) " Discussions
 - ✓ (iii) " Committees
 - ✓ (iv) " Audit (PAC + CAG)

✓ Debates in Parliament were once characterised by sharp irony, wit and humor. Today, they have been reduced to character assassinations, abuse and choicest insults.

JUDICIAL CONTROL

✓ Rule of law and conformity to provisions of Constitution

• Modes of Judicial Control

- ✓ 1) Constitutional: Art 32 (Writs), Art 226, Art 136 (grant special leave to appeal), Art 300 (suability of state)
- ✓ 2) Statutory: e.g. Section 30 of Workmen's Compⁿ Act, 1923 : Appeal against tribunal's decision before High Court
- ✓ 3) Ordinary or Equitable:
 - a) Declarator Judgement
 - b) Injunctions
 - c) Action for damages

when jurisdiction has been wrongly exercised

prevent from doing ultra vires act

✓ ARC 2 on citizen's participation: "Effective empowerment of stakeholders accompanied by mechanisms for coordination with local govt. is, therefore, a key principle to be followed"

✓ e.g. Delhi's Bhagidari Scheme :

Successful implementation of 'Clean Yamuna' & 'Say No to Plastic Bags' campaigns, switching on/off of streetlights by RWAs.

Mandatory public hearings before approval of Projects that affect environ/local communities.

✓ in 2009, 131 CC's at Centre & 711 in 24 states & UTs

• Public Affairs Centre, Bglr : review in 2007

↳ (i) Poor design & content

(ii) Lack of public awareness

(iii) Inadequate groundwork

(iv) Charters rarely updated

(v) End users & NGOs not consulted in drafting CC

(vi) needs of senior citizens & disabled not considered

(vii) Resistance to change

~~(viii)~~

• DARPG sponsored study by IIPA - 2008 →

(i) not adopted by all Minis/Deps

(ii) Lack of precision on standards & commitments

(iii) lack of interest in adherence

(iv) poor planning & resource commitment for publicity

(v) one time exercise, frozen in time

(vi) lack of accountability & review mechanisms

(vii) devoid of participative mechanisms

Making CC Effective

✓ ARC-2: remedy/penalty/compensation should be clearly spelt out. ; better to have few promises which can be kept.

→ Internal restructuring should precede charter formulation

→ One size does not fit all : formulation shd be decentralised (ARC2)

→ Wide consultation process

→ Firm commitments

→ Redressal mechanism

→ Periodic evaluation

→ Systematic monitoring, review, end user feedback

→ Hold officers accountable

→ Include civil society in the process.