

UPSC
NCERT Summary
Administrative Tribunals – 1

- The 42nd Constitutional Amendment Act in 1976 introduced Article 323A according to which the Central and State Administrative Tribunals were set up. These Central and State Tribunals are set up to adjudicate cases related to recruitment, promotion, transfer and conditions of service of persons appointed to the Public services of the Union and the State Governments. The Parliament enacted the Central Administrative Tribunal (CAT) with branches in specified cities. Several cities also have the State Administrative Tribunals.
- The Chairman and Vice-Chairman of the tribunal has the same status as that of the High Court Judges. The Chairman and Vice Chairman's retirement age is 65 years. The other members' retirement age is 62 years. The service matters related to employees of the Public Sector Undertaking (PSU)s are brought under the Central Administrative Tribunal or State Administrative Tribunals by a notification.
 - (1) There are certain categories of employees who are not included in the purview of the Administrative Tribunals (ATs). They are mentioned below:
 - (2) The employees of the Supreme Court and the High Courts do not come under the purview of the Administrative Tribunals.
 - (3) Armed Forces personnel
 - (4) The employees of the Secretariat of the Lok Sabha and the Rajya Sabha are also exempted from the purview of the Administrative Tribunals.
 - (5) According to the 42nd Amendment Act, only the Supreme Court can entertain cases relating to service matters.
 - (6) The Chairman and other members of the CAT and SAT are appointed by the President of India after consulting the Chief Justice of India. The Chairman must be a Judge of the High Court or one who served for at least two years as the High Court Judge or the Vice Chairman of Tribunal.
 - (7) The Tribunals are set up to relieve the Courts of overload load and expedite the process of justice both in the Central and in the State level.
- The 42nd Constitutional Amendment Act in 1976 introduced Article 323A according to which the Central and State Administrative Tribunals were

set up. These Central and State Tribunals are set up to adjudicate cases related to recruitment, promotion, transfer and conditions of service of persons appointed to the Public services of the Union and the State Governments. The Parliament enacted the Central Administrative Tribunal (CAT) with branches in specified cities. Several cities also have the State Administrative Tribunals.

(1) The Chairman and Vice-Chairman of the tribunal has the same status as that of the High Court Judges. The Chair man and Vice - Chairman's retirement age is 65 years. The other members' retirement age is 62 years.

(2) The service matters related to employees of the Public Sector Undertaking (PSU)s are brought under the Central Administrative Tribunal or State Administrative Tribunals by a notification.

(3) There are certain categories of employees who are not included in the purview of the Administrative Tribunals (ATs). They are mentioned below:

- The employees of the Supreme Court and the High Courts do not come under the purview of the Administrative Tribunals.
- Armed Forces personnel and
- The employees of the Secretariat of the Lok Sabha and the Rajya Sabha are also exempted from the purview of the Administrative Tribunals.

(4) According to the 42nd Amendment Act, only the Supreme Court can entertain cases relating to service matters.

(5) The Chairman and other members of the CAT and SAT are appointed by the President of India after consulting the Chief Justice of India. The Chairman must be a Judge of the High Court or one who served for atleast two years as the High Court Judge or the Vice Chairman of Tribunal.

(6) The Tribunals are set up to relieve the Courts of overload and expedite the process of justice both in the Central and in the State level.

(i) ADMINISTRATIVE REFORMS IN INDIA

- Administrative reform is a continuing necessity in a society, more so when the society confronts a quantum jump in its basic framework of governance including, of course, its goals. Thus viewed India started its career of an independent nation- state with a profound contradiction. The polity which was adopted was new, entirely of its own making and choice.
- But the instrument to implement its new tasks was inherited from the Raj and was thus continued from the past.
 - (1) Administrative reform is a consciously planned activity of

manipulation of the public administration of the country with a view to making it fulfil its pre-set objectives. This view makes it obligatory to regularly evaluate the implementation of the planned change with a view to finding out whether the changes realize the preset goals. In other words, evaluation must be viewed as a part of the process of administrative reform.

(2) However the term is gaining growing acceptance over the years. 'Administrative reform' has emerged as a standard expression in public administration, and is therefore preferred here. A view prevailed in the early years after Independence that consequent on fundamental changes in the polity and environment public administration will stir itself and imbibe appropriate orientations and set out to acquire new skills. Meanwhile, another development brought a new alliance into existence. One of the earliest decisions of Independent India was in regard to socioeconomic planning as the mode of the country's development.

(3) India adopted command type planning based as it was on an expanding net work of control mechanisms. The colonially trained bureaucrat did not find himself out of place in the new regime. During the colonial period he was on top of the people; even under planning, his rule and domination remained unchanged but he was now ruling through license, quota and permits.

(ii) Evolution of the Indian Administrative System

(1) The public administrative system in India has a long history. Kingdoms existed in India several hundred years B.C.

(2) In the earlier era the civil servants performed the role of servants of the king. (Kautilya's Arthshastra describes the civil service of those days and lays down various norms 300 B.C. to 1000 A.D)

(3) During the medieval period they became State servants. The land revenues system was established during the Mughal period.

(4) The East Indian Company has a civil service to carry out their commercial functions.

(5) During the British rule they started as servants to the Crown, but gradually they started becoming 'Public Servants'. The British government set up the Indian civil service, primarily with the objective of strengthening the British administration in the UK. In this period the role of the civil services was to further the British interest, and the role was totally regulatory. Later on they assumed development roles also.

(6) After independence, the public services as we see today came into being.

(iii) Existing Administrative System in India

- (1) The civil service system in post independent India was reorganised.
- (2) There are three tiers of administration Union Government, State Governments and the Local governments.
- (3) At the central level, the civil services include the All India services, namely the Indian Administrative Service, the Indian Forest Service, and the Indian Police Service.
- (4) There are various central services like the Indian Income Tax Service, Indian Railway Services etc.
- (5) The State Governments have their own set of services.

(iv) Major Developments Impacting Administration

- (1) Globalisation.
- (2) Increasing disparities.
- (3) Transformation of the world into a global village.
- (4) Deregulation and privatization trends.
- (5) Increasing awareness about human rights.
- (6) State formerly interventionist, producer, regulator and seller now called upon to be a facilitator, promoter, and partner.
- (7) Emergence of powerful technological solutions-computers and IT.
- (8) Increasing expectations from the Governments to 'perform'.

(v) After Independence

- Several Commissions and Committees have gone into the subject, and suggested various measures. Major reforms have been brought about based on the recommendations of these. Some of the important studies/ reports are as follows:
 - (1) Report on Reorganisation of the Machinery of Government (1949) by Mr. Goplaswami Ayyangar: It recommended that the Central Ministries be bunched into Bureaus.
 - (2) The Gorwala Committee appointed by the Planning Commission. It gave a general report on Public Administration
 - (3) Paul H. Appleby submitted two reports on Indian Administration. The O & M organisation and the Indian Institute of Public Administration were set up as a result of the recommendations.
 - (4) The Committee on Prevention of Corruption was set up under chairmanship of Mr. K Santhanam (MP). The Central Vigilance Commission was set up according to the committees recommendations.
- Department of Administrative Reforms and Public Grievances is the nodal agency of the Government for Administrative Reforms as well as

- redressal of public grievances relating to the States in general and grievances pertaining to Central Government agencies in particular.
- The Department disseminates information on important activities of the Government relating to administrative reforms best practices and public grievance redressal through publications and documentation. The Department also undertakes activities in the field of international exchange and cooperation to promote public service reforms.
- (1) The mission of the Department is to act as a facilitator, in consultation with Central Ministries / Departments, States / UT Administrations, Organisations and Civil Society Representatives, to improve Government functioning through process re-engineering, systemic changes.
 - (2) Organisation and Methods, efficient Grievance handling, promoting modernisation, Citizens Charters, award schemes, e-governance and best practices in government.
 - (3) A Commission on Review of Administrative Laws was set up by the Department of Administrative Reforms and Public Grievances on 8 May 1998 with a view to identify proposals for amendment of the existing laws, regulations and procedures having inter - sectoral impact and also for repeal of all dysfunctional laws.
 - (4) The various Ministries/Departments have decided to retain 822 Acts (which include 700 Appropriation Acts and 27 Reorganisation Acts). The remaining Acts are at various stages of processing.

IMPORTANT COMMITTEES

(i) First Administrative Reforms Commission

The First Administrative Reforms Commission set up in January, 1966 was asked, in particular, to consider all aspects relating to the following subjects:

- (1) The machinery of the Government of India and its procedures of work;
- (2) The machinery for planning at all levels;
- (3) Centre-State relationship;
- (4) Financial administration;
- (5) Personnel administration;
- (6) Economic administration;
- (7) Administration at the state level;
- (8) District administration;
- (9) Agricultural administration;
- (10) Problems of redress of citizens grievances

(ii) Second Administrative Reforms Commission

(1) The Second Administrative Reforms Commission (ARC) was setup in 2005 under the Chairmanship of Shri Veerappa Moily to prepare a detailed blueprint for revamping the public administrative system. The Commission set up to suggest measures to achieve a proactive, responsive, accountable, sustainable and efficient administration for the country at all levels of the government has finished its term on April 30, 2009.

(2) Governance is the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It consists of the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.

(3) Without good governance, no amount of developmental schemes can bring in improvements in the quality of life of the citizens. On the contrary, if the power of the state is abused, or exercised in weak or improper ways, those with the least power in the society - the poor - are most likely to suffer. In that sense, poor governance generates and reinforces poverty and subverts efforts to reduce it. Strengthening governance is an essential precondition to improving the lives of the poor.

(4) The Tenth Plan document identified good governance as the single most important factor in ensuring that the Plan objectives are achieved. Among other things, decentralization of power and citizens' empowerment, effective people's participation through state and non-state mechanisms, greater synergy and consolidation among various agencies and programmes of government, civil service reforms, transparency, rationalization of government schemes and mode of financial assistance to states, improved access to formal justice system to enforce rights, reforms and strengthening of land administration and harnessing the power of technology for governance have been identified as the key priorities.

MEMBERS OF SECOND ARC

- (1) Shri Veerappa Moily - Chairperson
- (2) Shri V. Ramachandran - Member
- (3) Dr. A.P. Mukherjee - Member
- (4) Dr. A.H. Kalro - Member
- (5) Dr. Jayaprakash Narayan - Member
- (6) Smt. Vineeta Rai - Member-Secretary

- The path-breaking Right to Information Act has come into effect recently. This new law applies to union and state agencies, local governments and even societies and trusts which receive public funds. This far-reaching law also provides for independent information commissioners, proactive disclosures and reporting mechanisms and has the potential to impact our

governance process in a profound and positive way by empowering citizens.

- In all, the Commission has presented the following 15 Reports to the Government:
 - (1) Right to Information-Master Key to Good Governance (09.06.2006)
 - (2) Unlocking Human Capital - Entitlements and Governance-a Case Study (31.07.2006)
 - (3) Crisis Management-From Despair to Hope (31.10.2006)
 - (4) Ethics in Governance (12.02.2007)
 - (5) Public Order-Justice for each peace for all. (25.06.2007)
 - (6) Local Governance (27.11.2007)
 - (7) Capacity Building for Conflict Resolution - Friction to Fusion (17.3.2008)
 - (8) Combating Terrorism (17.9.2008)
 - (9) Social Capital - A Shared Destiny (8.10.2008)
 - (10) Refurbishing of Personnel Administration - Scaling New Heights (27.11.2008)
 - (11) Promoting e-Governance - The Smart Way Forward (20.01.2009)
 - (12) Citizen Centric Administration - The Heart of Governance (30.3.2009)
 - (13) Organisational Structure of Government of India (19.5.2009)
 - (14) Strengthening Financial Management Systems (26.5.2009)
 - (15) State & District Administration (29.5.2009)