

# CLASS NOTES

## **ACCOUNTABILITY & CONTROL**

**BY**  
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RESPONSIBILITY, - Ashutosh Sir

UNIT 5: ACCOUNTABILITY & CONTROL - an extra to Admi. Laws.

- # concept & meaning of Accountability (A/c) & control (ctrl)
- # Types of Accountability & control
- # Institutions of A/c & ctrl - E, L, J, over admn - Formal (Legal duty)
- # citizen-admin relationship - Nature & changes in recent times
- # Role of informal actors in enforcing Accountability - case studies
  - Media
  - civil society
- (moral duty)
  - Not part of job
  - Not usual
- # New tools & techniques of Accountability - emerging trends
  - citizen charter
  - social audit - NGOs

ACCOUNTABILITY

→ defined obligation of any individual working in system, towards his superior/organisation

Borrowing from a friend = moral duty to pay back → Responsibility & moral  
 " " " " Bank = Legal duty " " " " → " " " " " "  
 ↓  
 punished if not paid back → accountability & legal generally

→ accountability = External - Reinforced from outside  
 ⇒ objective  
 Responsibility = Internal - guilt: more like moral obligation  
 ⇒ subjective

→ also A/c are we talking about?

→ A of what towards what? - admn - Accountable to political system

→ How A enforced?

→ where is A enforced?

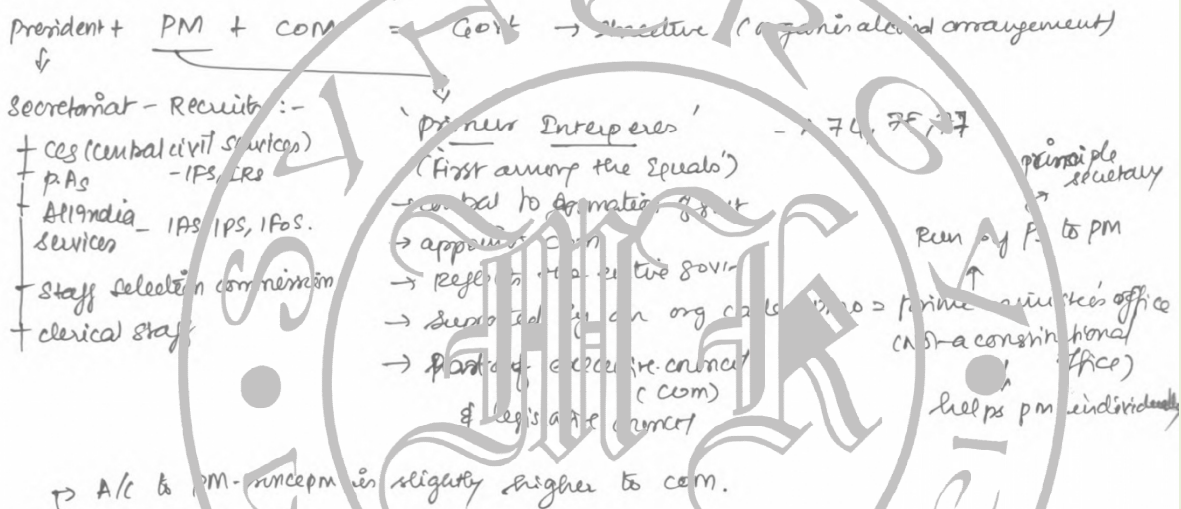
Narrow View:

Admn: A. to political executive aka govt

Broad View:

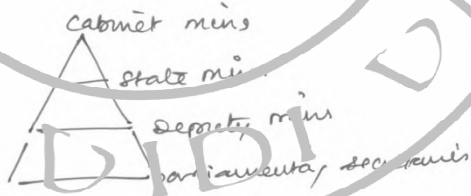
Admn: A to political executive, legislature & Judiciary.

• STRUCTURE OF THE GOVT / ADMIN:



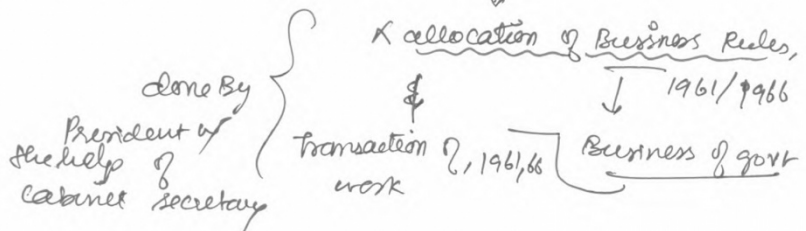
• COM: 4 Categories

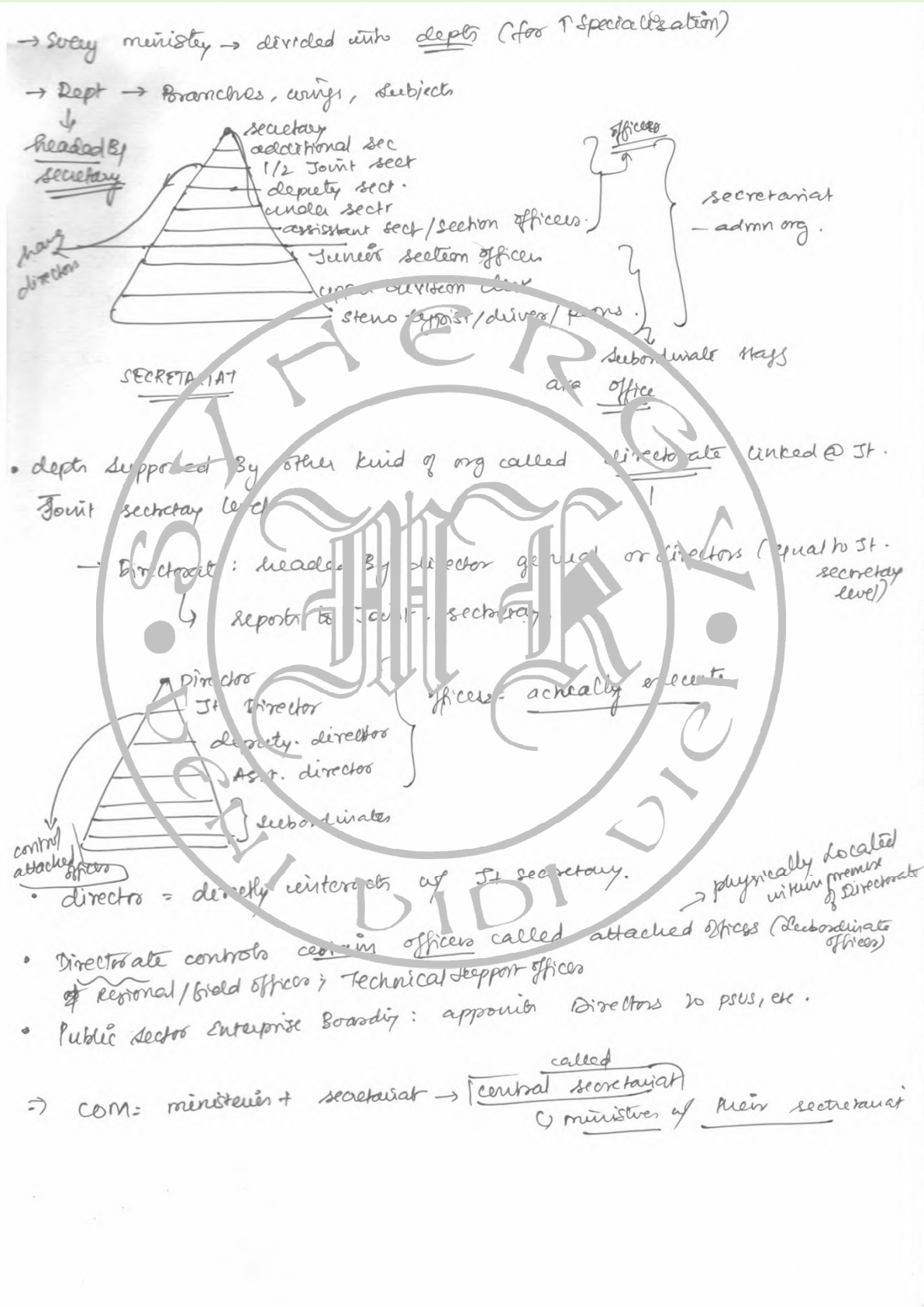
- + CABINET MINISTERS
- + STATE MINISTERS
- + DEPUTY MINISTERS
- + parliamentary secretaries



Govt of India < pm  
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- entire govt structure is divided into ministries → political orgs. → division of work



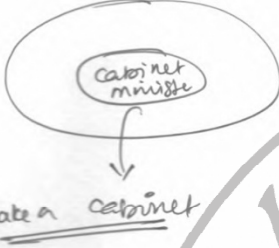


- ∴ COM:
- cabinet ministry - most i.
  - state ministers (Independent charge)
  - deputy ministers
  - parliamentary secretariats

an ~~is~~ person who needs to do ~~any~~ work can be made a cabinet minister 2-3 months before election so that the person can enjoy the privileges.

Ex. vice chairman of some Body  
Ex. adhar.

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→ all govt cabinet ministers take when meet together = become cabinet (highest decision making body, airport)

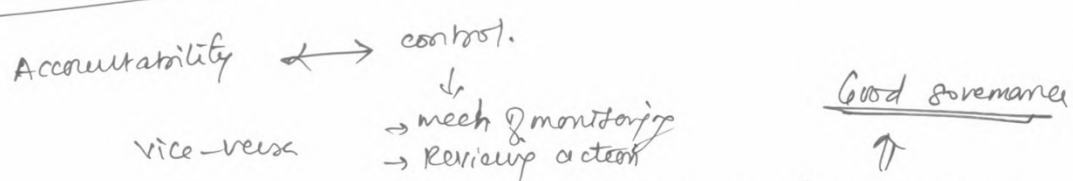
• 44<sup>th</sup> CAA - inserted two words 'cabinet' U/A 3.2 (B) 1978

• 91<sup>st</sup> CAA : 1% of other ~~work~~ cabinet 2003

→ cabinet = supported by admn. office called cabinet secretariat. headed by cabinet secretary (highest civil servant of country)

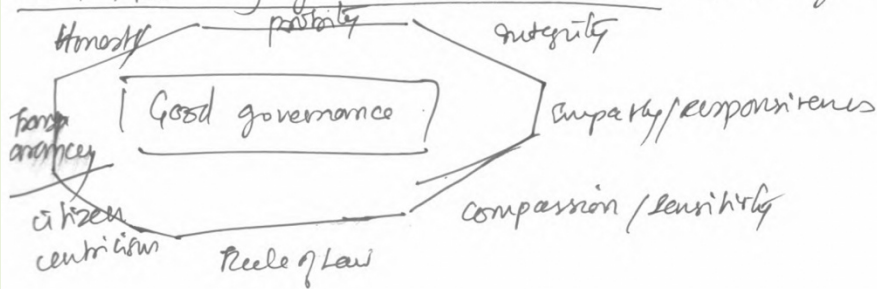
- cabinet secretary = equal to secretary  
 ↳ By virtue of seniority = he's generally directed as highest civil servant

↳ secretaries are not subordinate to cabinet secy. therefore answerable to ministers.



↑ a/c = ↑ conf = ↑ efficiency = ↑ public satisfaction (w/ technical admn)

2nd ARC highlights on virtuous cycle of Good governance -



- A/C = External / Internal  
 = Formal / Informal  
 = Vertical / Horizontal / Diagonal.

External Formal = Tribunal  
 External Informal = Civil Society

- Theoretical debate : Friedrich - Fuen Debate.
- Debate B/w Internal vs external accountability -
- Internal A/C = Norms of Eth not controlled by external A/C.
- A/C = one of the much to make admin more accountable.

20/1/20 : Megar talks about limited control / specific control  
 Theory of behaviourist.  
 → control : another facet of motivation

Friedrich - Fuen debate.  
 Internal vs External A/C  
 Responsibility vs Accountability.

# Definition of concept :

• A/C in simple terms is answerability for one's action/ Behaviour.  
 In pub-ad, A/C would mean the methodology thru which a public agency or public servants fulfil their assigned duties of obligations.  
 In fact, it includes the process by which the officials of the agency

The rapid development for which nations - as it is believed that - better developed & developing countries, the growth of society grows with the continuously expanding due to the increasing welfare nature of functions of an auto-uncontrolled (unregulated) & discretionary power needs to be controlled. This creates an urgent need to study how the admin can be made accountable & efficient at administration.

In fact, admin is in the way of the ad. In a democracy, there is a demand for more public service. People are more aware of their rights & duties. Public opinion is more active. There is a demand for more efficiency.

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2. Admin. the 'rule of law' admin are must be based on 3 aspects -

1. from the view of legal liability - accountability for each action of admin. (subject to legal liability)
2. & Regulators (subject to legal liability)

(In fact - Admin. is subject to legal liability)

2. moral accountability - to comply it: called 'responsibility'

1918, 1928 - define liability - legal vs liability - administrative law permits

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not public / not subject to legal liability but bound by moral accountability for legal accountability

Legal liability - is it just matter being legally affected?

\* Accountability = legal + political + objective + morally enforceable + fear + coercion (modus operandi) ground of speciality

\* Responsibility = legal + moral + Hindu-dharma values + subjective + address + internal + self control + thereby discipline + accept