


Name: Fstendra Pratab Singh

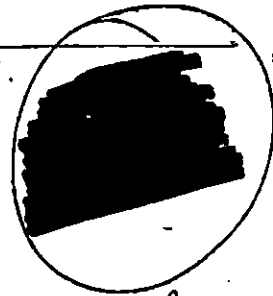
Mob. 

Sub: Public Administration

Pub Ad.

⑩ you've improved your structure

Mock - 2



Can do well.

Good

[Signature]

use facts/info

latest issues/
judgments

Remarks

Question No 11-

(A) Article 22 & 226 of the Indian Constitution provide for right to constitutional remedies. This responsibility has been entrusted upon the higher judiciary (either HC or SC) to provide for proper remedy against any encroachment over their rights by state or any other agency.

But under the 4th Constitutional (Amendment) Act Administrative tribunals in the form of central Administrative tribunal & state administrative tribunal were set up for adjudicating disputes related to service matters. They restricted the scope of judicial review of judiciary over the disputes related to service matters of employees.

But during our thrust to ensure speedy justice delivery we should keep this thing in mind that right to constitutional remedies is available to all & no other institution can encroach upon this right of the individual.

Remarks

Even taking this view into consideration
Supreme court declared that High court can't
 be kept out of the purview of judicial review
 of decisions by these tribunals.

Thus, Administrative tribunals
 though desirable should not impede the justice
 in the society. Because it is not only constitu-
 tional but also the natural right of everyone.

Where is
 Employee - subject
 Part?

3 1/2

Remarks

(b) In Central Secretariat three services are functioning. All India Services / central services who are brought at deputation to central secretariat, the central secretariat services and the staff services (which are generally recruited through staff selection commission).

The idea of central secretariat services was conceived in wake of reform orientation in the functioning of central secretariat. The idea was to create a dedicated staff for policy making role who are well versed in concept and who have a holistic approach to policy making.

Under the recommendations of secretariat reform committee this service was conceived and appointed at 'middle level' in the secretariat.

Central Secretariat has been able to maintain the continuity in policy making & its implementation, the major credit for this goes to central secretariat services only.

Remarks

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(C) The 'Results Framework Documents' (RFD) was introduced to create an enabling environment for development and management of human resource. The idea was to ensure accountability ~~upon~~ ^{from} the civil servants along with giving them proper amount of autonomy.

A Performance Management Division

was set up in the cabinet secretariat to manage the performance of the employees. Based on the RFD, a performance related incentive scheme (PRIS) can also be introduced which will help in improving creativity and decision making in the public organisations. Under the RFD, the civil servants are given the target & based upon their accomplishment of these targets, the performance evaluation is done.

The scheme is not only there in India, it has been tried in UK, New Zealand etc.

And it has been able to yield results.

— Also the scheme is in accordance with the current paradigm of self-regulation of human resource management.

(D) Many people attribute the rise of information economy to the rise of I.T. This is because the I.T. has the unique ability to not only automate but also 'informate'. With the help of I.T. the functioning of the organisations and economy is changing with its unique ability to store the information for a longer period of time. It works as the store house of information.

But rather than ^{I.T.} heralding the emergence of Informational economy, it is the convergence of I.T. with the other technologies aimed at automation which has resulted in this situation.

The idea is that administrative reform technologies and I.T. have been two parallel developments.

Remarks

and now there is a juxtaposition of the two. But this juxtaposition has changed the process of reforms. The human driven skills of automation are increasingly being replaced with Intellective skills (Pisoff). And in this way this has resulted in the emergence of a Informational economy.

Define
informational
economy
well

(E) The given statement of Abul Fazl makes the distinction between a coercive bureaucracy and a benevolent participative bureaucracy.

It is true that public administration is the action part of the government and hence the image of government is created in the way public administrators interact with the citizens. If they act coercively then people become anxious & they distrust the govt. fulce-
veras

In the given statement these public

Remarks

officials have been equated with a wind. The idea is that if these assistants of victory, collectors of revenue and revenue managers treat the public responsibly, they are greeted warmly with the public.

But if they become coercive in the performance of their duties, then it becomes like a hot potential spark with the public & they are greeted with disapproval. In our country the protests against laws like AFSPA are a clear example of this.

B $\frac{1}{2}$

Remarks

Question No. 2

(A) Police Reforms have been one of the most neglected areas of reforms in India. Despite setting up of many commission & committees like National Police Commission, Malhotra Committee, Soli Sorabjee Commission & Justice Verma Commission, the actual reforms in police at the ground level has been a distant dream.

In the Prakash Singh Case (2006) Supreme Court gave seven directives to the state to undertake police reforms, the main among them are -

- Giving a fixed tenure to police commissioner & other higher officials.
- Establishment of 'Police Establishment Boards' for handling transfers & postings.
- Separation of Law & order function from investigation function.

But even after judicial interventions

Remarks

police reforms have not been taken seriously by the states. Only 14 states have partially adopted the recommendations of supreme court and the provisions of Model Police Act that to instituted form. Few years back Maharashtra filed an affidavit in the Supreme court that the recommendations are more in the form of directives & so they are an encroachment upon the powers of the state (As police is a state subject).

Taking these things into consideration, SC asked the states to furnish within a week the status of security commissions.

But the police reforms are not easy to implement in India. Excessive political interference for narrow political gains has resulted in a situation where the police machinery has become highly politicised. Even the CBI was called by SC a 'caged parrot' speaking its master's voice.

Remarks

12/2

(B) Decentralisation has been a highly cherished goal in the recent times. With the passing of 73rd & 74th constitutional (Amendment) Acts, a third tier has been set-up in the governance structure of India.

But even after setting up of third tier of governance decentralisation has not been fully achieved in spirit. The reason being fund, function & functionary problem in both PRs & ULBs.

Taking this into consideration 2nd ARC suggested for setting up of a separate list under the 7th schedule of the constitution called 'Local list'. This list will involve the areas which fall under the domain of local bodies. The benefits will-

constitutional guarantee for the functions that they have to perform.

- Clear cut delineation of their roles.
 - with respect to these functions they can raise revenue.
 - This will help achieve the 'real' decentralisation.
 But at the same time creating merely a 'local list' will not be a panacea for the ills of local bodies. As currently local bodies are suffering from fund, function & functionality problem it is important that the items which are delegated into the local list have enough importance to raise revenue. Also since state governments see these local bodies as an extra-burden over them, this mindset needs to be changed and they should be seen as collaborators in the developmental journey of the country.

Also the capacity building in the PRs is quite low, so there is a need to build appropriate capacity in the PRs to undertake their functions effectively.

Remarks

10 Thus a holistic approach for PRA empowerment is required.

Practical Examples

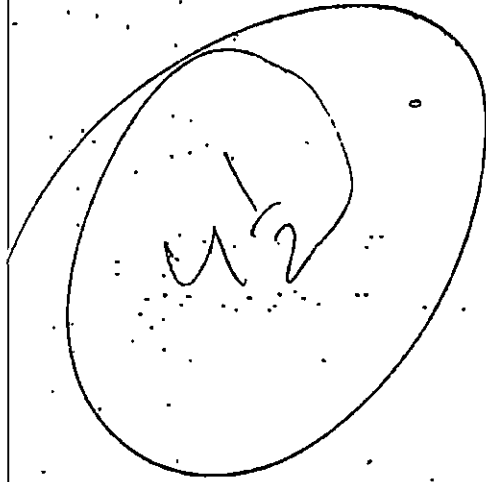
(c) Wilson in his 1927 essay 'The Study of Administration' emphasised upon the idea of politics-administration dichotomy. The essence of the idea was to allow politicians to decide policies of the administrators to implement these policies without any outside interference.

But post New Public Administration paradigm excessive emphasis was given to the policy making role to the public administrators. This has over a period of time resulted in a situation of politics-administration interrelation. This means the strong nexus between politics & administration has resulted into more & more am chair policies which are not generally in public interests. This has also resulted in

Remarks

a situation where the accountability of civil servants towards political executives is changing towards 'Yes Sir' attitude. In this scenario, public administrators are giving only that advice which the political master demands & which pleases him.

Thus this phenomenon has resulted in sometimes loss of neutrality which is an essential feature of of bureaucracy. There then seems to be a need to revisit Wilson.



Remarks

Question No 4

(A) — Ordinance making power is entrusted in the President & Governor under article 123 & 213 of the constitution. The ordinance making power is an ordinary legislative power of executive and there is an added condition that it must be used in extraordinary circumstances.

There are many ways in which Ordinances violate the sanctity of legislative debates.

↳ Against Division / Separation of powers: The separation

of powers is one of the founding features of our constitution. Under this concept the power of law making has been entrusted to the legislature & the power of implementation is entrusted to the executive. But through ordinances executive gets the power to enact the laws as well and hence sometimes he may

Remarks

bypass the legislature. eg. In the state of Bihar the same ordinance was passed many times until the intervention of judiciary.

2) They may result in Executive Despotism -

This is indeed a real threat of overemphasis on ordinances. As ordinances allow the executive to bypass the legislature, they may result into executive not being accountable to legislature at all.

3) Go against the will of people - As parliament is the representative of people, hence they go against the concept of judiciary.

But at the same time ordinances have not been very frequently abused in India. Also there are buffers like Judicial review which puts a restriction upon the ordinance making power of executive. Also once the ordinance is put to vote in legislature the concerned minister will have to explained the circumstances.

Remarks

Mention Recent Case Studies as well

GS SCORE

which is yet another check.

(B) Judicial review is the power of higher judiciary to declare a law as null & void on the ground of it being against the fundamental features of the constitution.

US constitution provides for the 'due process of law' which means apart from checking the competence of legislature as well as constitutionality of the law, the SC also checks the inherent goodness of the law. Here it can apply the principle of natural justice.

The power of Judicial review was not originally available in the US constitution. It was later invented in the Marbury vs Madison case.

The excessive emphasis on judicial review in US has been because of the

Remarks

subjectivity in constitutional provisions. As US constitution is a short document and it leaves a lot of scope for judicial interpretation.

But even in the Indian constitution, the power of Judicial review under Article 13, 32, 42, 226 has resulted in SC & High courts becoming the powerful institutions in governance.

Thus essentially the power of judicial review has made the US Supreme Court a third chamber of congress.

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Remarks

(c) 'Poverty is mother of crime'. The statement completely fits in Indian politico-social landscape where in urban areas we find high crime rates in slums & marginalised areas. The poor are forced to commit crime because of scarcity.

Justice delivery is quite slow in India which is evident from following data-

- A total of 70,000 cases are pending before Supreme court. 6 Same?
- Total of 38.68 lakh cases pending before various High courts. Same?
- Total around 3 crore cases pending in the entire judicial system. Same?

In this situation many people are not able to get justice and this results in a situation where the rights of one are being violated by others without impunity.

Remarks

Justice delivery is not a distinctive idea from development. This is so because for any development to take place appropriate law & order in the society is required. This needs an effective criminal justice delivery system.

Also due to the legal disputes many people are not even able to contribute to the society. eg. The case of unethical in Bihar which results in a loss of workforce to the society.

Thus justice delivery & development are mutually reinforcing ideas which should be caught at simultaneously.

Govt

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Remarks

[Answer No 5] -

(A) e-GOMs & BoM's were the devices used during the regime of previous government to ensure speedy decision making and also qualitative decisions. The idea was to select an specific group of ministers & give them appropriate power to take decisions on behalf of Com & cabinet. The decisions of the BoM & e-BoM could be reviewed by the cabinet at a later point in time.

But after the scrapping of BoM's & e-BoM's, the quality of decision making is likely to do down. This is so because executive ^{Cabinet} does not have the required amount of time to devote to every issue. This results in hastily decisions which are low in quality. Also in the BoM & e-BoM, the expert advice

Remarks

could have been lapped to improve the decision quality but there is no such care with the Cabinet decisions.

Hence scrapping the e-GOM has reduced the quality of DM.

(B) Political naivety of administrators means administrators not having enough knowledge & understanding of the political decision making. This results in a situation where politicians administrators are not appreciate political process and at times this may result in low effectiveness of policies.

But the same time the most problematic aspect of political naivety of administrators is that it results in administrative naivety of politicians. This is because as the politician is a layman, hence to make him understand it is required that the

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Relates
to
Process
of
Admin

Administrators has good understanding of politics. The idea is that the administrator should understand politics but should not indulge in politics. This will ensure that administrator is able to make politician understand the administrative processes.

(c) The accountability is making someone responsible for their acts. In an organisational context it is divided into two parts -

- Accountability to the internal hierarchy.
- Accountability to external institutions like Judiciary, legislature, citizen etc.

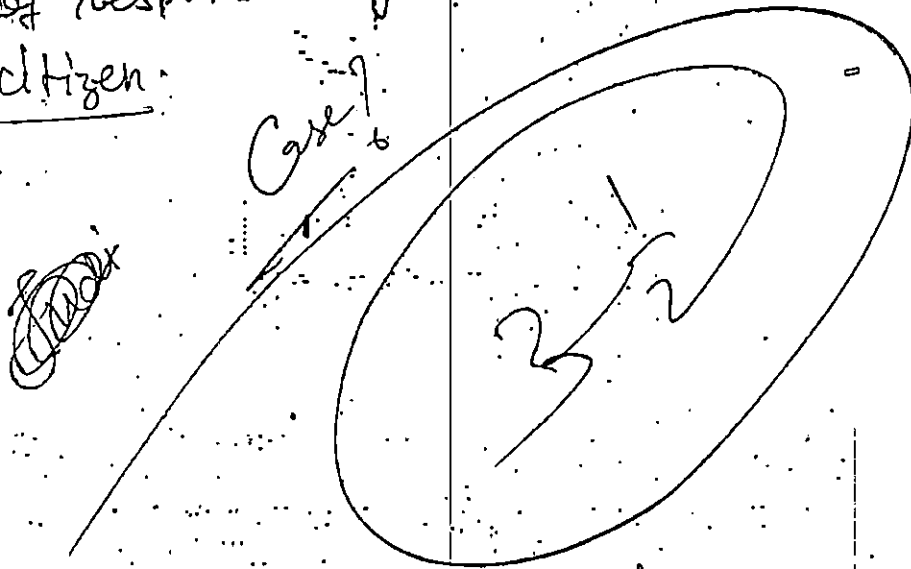
But although in the recent

times the governmental accountability is a very much talked about theme, the citizen's responsibility & conduct is generally ignored. Here it should be remembered that for

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successful functioning of the democracy both the government & citizen will have to make efforts. (even our constitution provides for a set of fundamental duties)

Thus in any accountability dimension the structure of citizen's responsibility & conduct must be incorporated. This will help the citizen in seeing the accountability. eg. In the citizen charter the expected duties from citizen can be mentioned. And this will also ensure a sense of responsibility towards government among the citizen.



Remarks

(D) Good politics as a term stands for a kind of politics that ensures growth & development of nation & community. It is essentially a development oriented concept where politicians seek the vote in their favour due to their developmental agenda. It is in contrast to the divisive politics or caste based politics which is many a times visible in our country.

But for the existence of good politics an active citizenry is required. A defunct citizenry is generally passive and can be lured by politicians eg. Note for vote, freebies in elections etc.

An active citizenry will seek development from politicians. It will also make them accountable to their constituency by oversighting their poll promises.

Remarks

Various devices like Right to recall, referendum (called Direct Democracy devices) are used by an active citizenry to seek accountability.

(B) Judiciary is the third pillar of modern democracy worldwide, the other two being executive & legislature. But whereas executive is accountable to legislature & legislature is accountable to people, Judiciary is not accountable to anyone directly.

This has created a situation of imbalance in the democratic set-up. Judiciary in our own country has encroached upon the role of executive & legislature; e.g. Vaidya Guidelines of sexual harassment of women at workplaces. (2011)

The judicial accountability is also required to ensure the institutional legitimacy

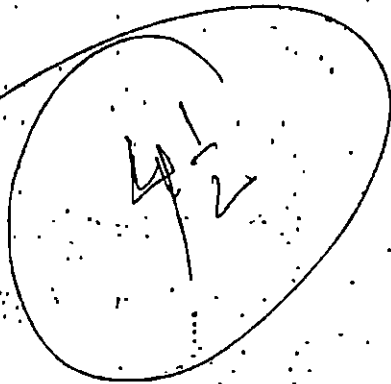
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of the judiciary. This is because inaccountability results in deviant behaviour which in the long run affect the judicial legitimacy.
 eg. A Madras HC judge has stayed his own transfer order recently. This kind of acts erode the legitimacy of judiciary.

Govt introduced Judicial Standards & Accountability Bill which was codification of Restatement of Values of Judicial Life a document adopted by judiciary in 1996 but the bill could not be passed.

Thus there is a need for ensuring appropriate mechanisms to make judiciary accountable.

Explain accountability from
 Judicial



[Question No 8]

(A) Under the 'new localism' philosophy, the emphasis is on local level participation and community centric development. The concept is in line with the Robert Chambers' idea of 'Inverting the Pyramid: Putting the last first.'

In this scenario the role of civil servant changes from direct provider of goods and services to a friend, philosopher and guide of local bodies. It can help these local bodies through capacity building, expert advice etc.

But in the Indian scenario, eventoday most of the developmental activities are being undertaken by civil servants. ~~But~~ ^{Only} ~~even~~ certain schemes like MNRBGA have ensured active local level participation. (As 50% of the MNRBGA projects are decided by PRs).

This in the contemporary times when

Remarks

the state itself is being seen as collaborator & facilitator. The role of civil servants should be aligned according to the same idea.

(B) Mohit Bhattacharya: civil service neutrality means a kind of political abstention where civil servants do not take part in political activities.

In this scenario neutrality is desired as it helps the civil servant to offer free, frank & fair advice to any political dispensation without fear of being penalised. It also helps the civil servant in implementing the policies without any prejudice & bias.

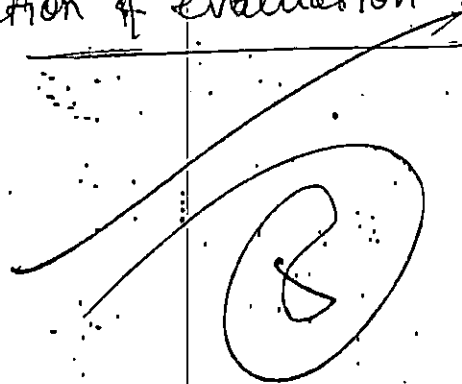
But at the same time neutrality though desired but not required. As the NPA argues for policy perspective in public.

Remarks

administration. so administrator can't be a neutral player.

here a distinction can be made between political neutrality which means not being aligned to any political ideology and policy neutrality.

In public administration, especially in developing countries although political neutrality is both desired & required but not the policy neutrality. on the contrary civil servants are expected to play an active role in both policy making, implementation & evaluation.



Remarks

(C) N.D.T. Rajog has the membership of both central & state executive. The Prime Minister is the chairman of N.D.T. Rajog and all the Chief Ministers and administrators of states & UTs are members of N.D.T. Rajog.

In this scenario it is said that federalism has become a myth or fiction or both because the entire executive machinery of the country is engaged in policy making at one platform. There is an apprehension that this may result in loss of diversity in opinions and Chief Ministers may at times be overshadowed by the center, thus defeating the very idea of federalism.

But here it needs to be remembered that N.D.T. Rajog is merely a think tank and

not a line agency. Its main agenda is to make policies & evaluate them. Also the chief ministers & administrators have been given appropriate weightage and authority so they can't be overshadowed.

Also the contemporary trends towards co-operative federalism. The 42% devolution of ~~tax~~ divisible pool of taxes to the states will result in more financial autonomy to the states & hence it can't be said that federalism has become a myth.

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Remarks

(D) Parliamentary privileges are the special powers & privileges granted to both parliament & its members to discharge their duties effectively. They have been mentioned in the Rules of Procedure of Parliament. ~~These~~ some of them are-

- The power to publish or not to publish its proceedings.
- Power to punish for its contempt.
- Freedom of speech to Members in the Parliament.
- Freedom from arrest during the sessions and 60 days before & after.
- Parliamentarians can't be compelled to ~~provide~~ act as witness without authorisation of parliament.

These privileges have been granted to the parliamentarians so that they are able to discharge their duties & express their views freely. But ~~only~~ a period of time this

Remarks

has resulted in deliant behaviour among the parliamentarians. Even the vice president due to their behaviour in parliament called them 'A group of anarchists'. Shouting from the well of the house has become a daily feature. The situation has become more problematic due to criminalisation of politics. many criminals are taking shade under the pretext of parliamentary privileges.

Thus parliamentary privileges are necessary well.

Parliamentary Privileges
 Codification

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Remarks:

(2) Public Account Committee is a 21 member committee in the parliament mandated to examine the CAG reports & hold the executives accountable for any wrongdoing.

CAG audits the 'public finances' i.e. those finances which are used for public purposes. In the recent times role of PPP is on the rise and substantial amount of money is being routed through the PPP route. Also the NGOs are receiving huge amount of fund both from government & foreign agencies.

Thus the demands have been raised to bring the PPP projects & finances of NGOs under the CAG audit purview.

There will be multiple benefits of this -
 - Bringing more transparency in the functioning of PPP & NGOs.

Remarks

CAB will ensure that they are accountable to public & are working in genuine public interest.

But at the same time this may not be practically easy due to manpower crisis in CAB and also the ability of the PAC to use these reports to hold these bodies accountable because without PAC these reports are no more than a waste paper.

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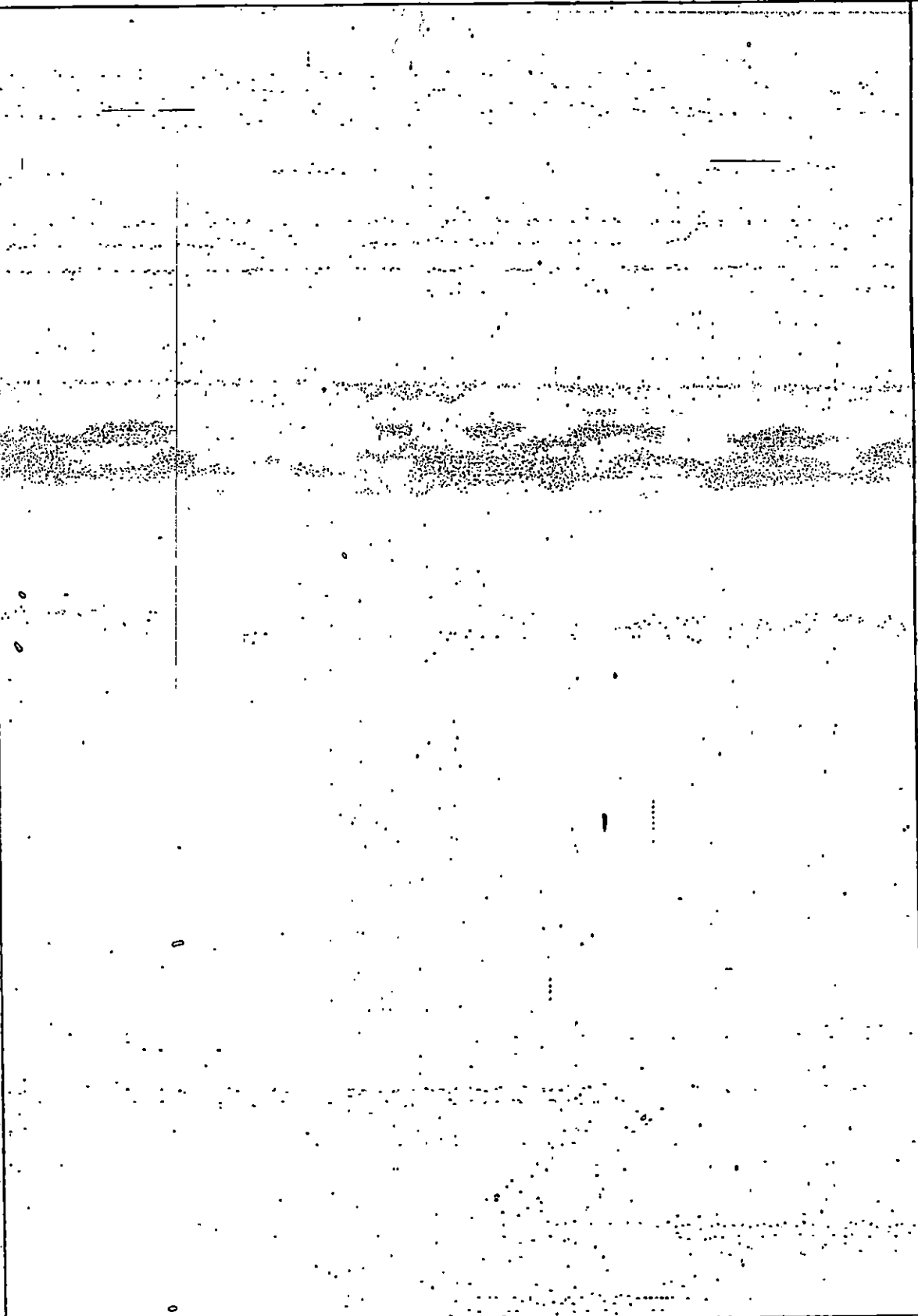
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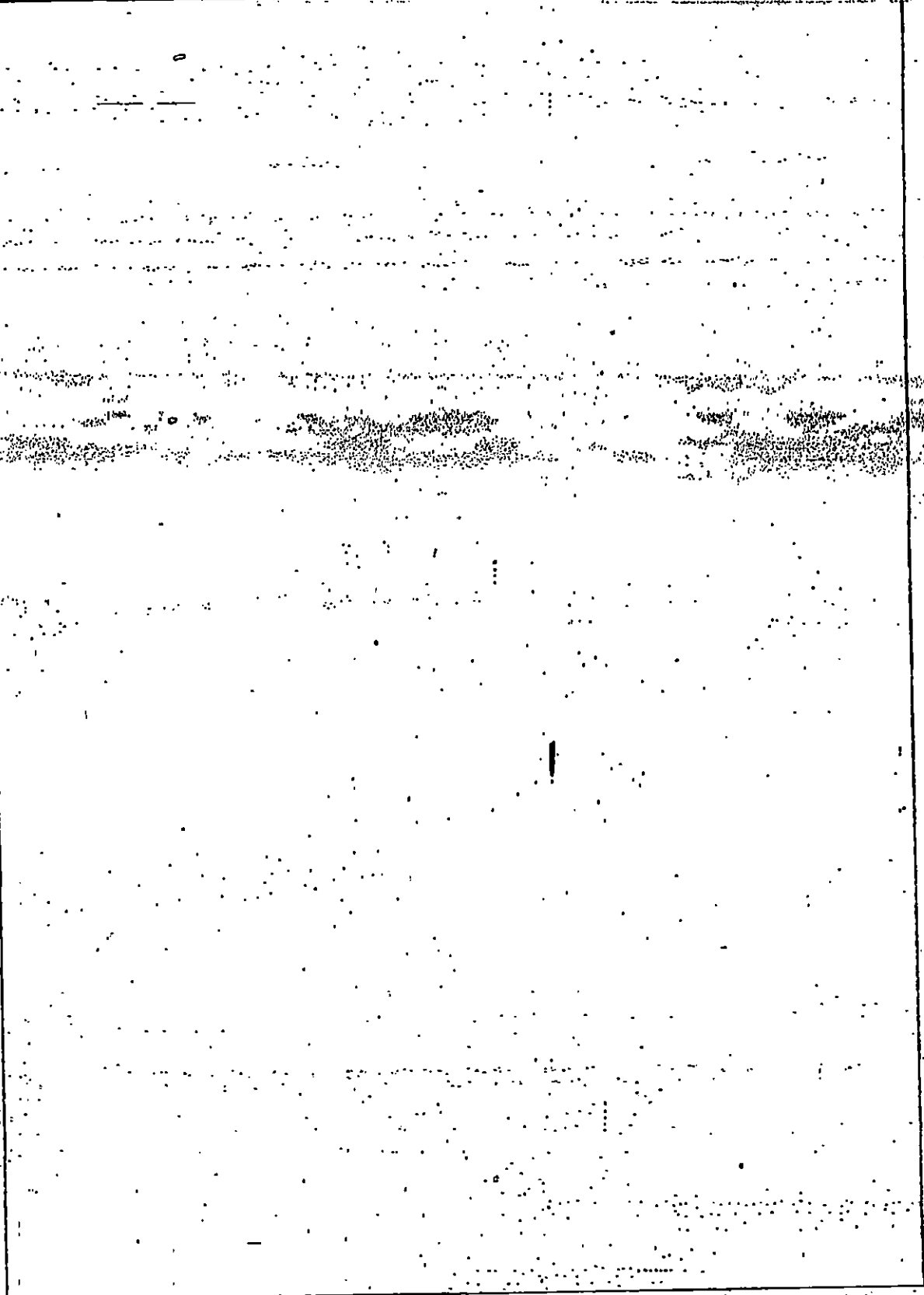
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