



**An Institute for Civil Services**

**IAS TOPPER'S**

**TEST COPY**

**RISHITA GUPTA**

**RANK - 18**

**PUBLIC ADMINISTRATION**

# PUBLIC ADMINISTRATION

RISHITA GUPTA

Test - 06

Date : 14<sup>th</sup> August

email : [REDACTED]

Remarks :

→ 15/ Aug/ 2018

*Auto pay*

92.5

①

a) PMO (Prime Minister Office) is a staff agency in the government of India. It seeks to advise the PM, Cabinet etc. regarding several domains of policy making.

The strength of PMO is invariably dependent upon the strength of PM. A strong, centralising leader would have given considerable centrality to PMO. For eg: In early 1970s, PMO was so strong that matters related to appointments done by government were controlled by it.

Since independence, its nature has evolved. Initially, due to high democratic ethos, PMO functioned only in limited domains. For eg: handling ministries and departments which PM as a residual authority was supposed to.

Gradually, it started gaining power with increasing tendency of centralisation. Over the period of time it has assumed larger

perish

role. It has started taking over the roles and responsibilities of the Cabinet Secretary

addition of new officers such as, National security adviser in late 1990s, further accentuated PMO's power.

The PMO's role was however limited in case of a coalition government, however, a majority form of government has lent huge discretion to PMO.

b) chief secretary at the state level is at the highest rank of civil servants in the state. It is expected to perform several functions. These functions at the central level are performed by multiple specially designated authority.

1. chief secretary acts as a chief minister office. while at the centre there is a separate prime minister office.

2. He is the head of state disaster management authority, while at the centre,

head of NDMA is appointed.

3. There are several domains of security, where chief secretary heads. At centre, home min secretary carries out all such functions.
4. Most of the portfolios in the state are under the chief minister (due to 15% rule by Article 91<sup>st</sup> Amendment act). The chief secretary has to oversee <sup>their</sup> functioning.
5. Chief secretary presides over almost all the committees set up by the state.

③ Thus there are several areas where chief secretaries perform greater degree of functions.

gate of foreign  
can call for  
delegation to  
gate



c) Article 263 of the constitution proposes that the president can set up ISC (Interstate Council) every five years or whenever he deems so. The council aims at ensuring harmonious relations.

→ Among the states

> Between centre and states

Indian polity is that of a quasi-federal nature. This implies that characteristics of unitary nature dominates over federal features. These at times lead to animosity between different units.

ISC could provide an engaging platform to address these issues. It

The composition of council is inclusive from both the centre and state.

Also, specific standing committee aims at resolving emergent issues.

The Sarkaria commission on Centre State relations has suggested setting up of ISC as a permanent structure. However, no action in this regard has been taken.

(4)

(P)  
The success at GST councils is reminder of how 'cooperative federalism' (where centre and states cooperate rather than converge) can improve intergovernmental relations.

(A)  
Enrich General pressing issues affecting the federal dynamics, such as - Terms of recommendations of Finance Commission, sharing of river water dispute, according special category status to any state, issues regarding governor and Article 365 (President rule); can be resolved through ISC.

d) Interstate river water has been one of the most historic area where there have been course of debates and disputes.

The disputes are outside the purview of judiciary and Tribunals are set. This reflect a sense of administrative law based on Droit Administratif.

The reforms are now much needed and awaited.

1. Increasing disputes have increased govern<sup>ment</sup> as major litigant
2. Multiple tribunals need to be set up. As there are no provisions on setting up of multiple benches of single tribunal.
3. The issues have become more 'emotive' and 'politicized' and affect the political culture. According to Almond and Verbe, sentiments gain ground for electoral politics.
4. Delays in judicial verdict add to exacerbation of water wars. eg: farm crisis faced in Tamil Nadu.

The need of the hour to resolve the disputes through methods of integration as suggested by MP Fellet. The concerned parties must strive to arrive at a rational conclusion. There should be minimal requirement of external authority.

Discus  
Recul  
J-S Tribunal  
amend  
bik  
QOT



e) Governor is the de jure head of the states. He's appointed by the President, and stays in the office until the latter's wish. Thus, he tends to wear two hats:

- > executive head of the states
- > Representative of the centre

The office of governor is one of the most politicized authority. In case of different political parties at the centre and state, he becomes a 'political football'.

Governor is expected to act as a link binding centre and state administration. Certain provisos of the constitution, make this linking task, politically fraught.

1. Reservation of state assembly's bill for president's consent.

2. Preparing report regarding constitutional machinery breakdown for the centre.

He can also ask the president for imposition of article 365 (President's rule).

Governor acts as centre's proxy in the state. Most political vendetta is followed using this post. For eg: In early 1970s the congress party (at centre) dismissed 9 state governments. In late 1970s, the Janata party dismissed the same 9 congress ruled parties.

The Justice Sarkaria commission thus comes out with a prototype of how governors should be appointed. Here too, person who has remained in active politics ~~is~~ shouldn't be appointed governor. The Benubari union case reiterates the same, to reduce politicization of this constitutional designation.

(8)

(1/2)

Write  
second  
incidental

Court  
Verdict

- a) India had opted for the parliamentary form of democracy, inspired by west ministerial democracy. The cabinet is a subset of elected executives consisting of Prime minister and some council of ministers. The body is concerned for implementation policy making on behalf of the council of ministers.

The executive in this form of democracy, is represented by the head of state.

In UK, because of monarchical form of government the crown represents. In republic government of India, the president is the head of the state. He's de jure executive head and no executive functions are carried out in his designation.

According to article 74, of part V of the constitution, the president discharges

executive functions <sup>along</sup> with office he's expected to appoint. Thus he appoints the Prime Minister <sub>(PM)</sub> and with his concurrence, the Council of Ministers <sub>(COM)</sub> is appointed. The President is expected to carry out his duties only on the basis of aid and advice of PM and COM. even if the house (Lok Sabha) gets dissolved, yet the PM+COM will aid President until new government is formed. Thus, it could be remarked that although the President carries out executive actions, the real power, and influence lie with the elected government.

The President also carries out several legislative functions such as:

- Summoning of house or joint session
- Proroguing the session
- Appointing acting speaker (Lok Sabha) and chairman (Rajya Sabha) in case of vacancy.

Do comparative analysis of President & crown



- 11
- Appointment of Anglo Indians (2) in LS and 12 distinguished members of RS.

Again, to carry out all these functions the PM and COM aid and advice is mandatory.

In his military duties (selection of chiefs) and acting as commander of armed forces, ~~his influence~~ he doesn't have discretion. So, is the case of judicial duties where president has to appoint the judges.

Nevertheless, there are certain areas where president has discretion:

- Appointing PM when there's no clear majority and asking him to prove majority.

- Veto powers in some bills.

10 Despite the fact that Indian president is mostly ceremonial authority, he enjoys huge position. International treaties are effected with his signature. Also, he ranks as I in the official hierarchy. He's also been provided with several immunities. He at the end of the day, is expected to ensure unity and integrity of the country.

Written by  
on President  
pop

b) 2-b- Cabinet Secretary is the highest ranking of the civil servants in the India. (12)  
He's expected to play multifaceted roles:

- > Preparing agenda for the cabinet meetings
- > Noting minutes of meeting and share with the president and other council members
- > Act as a staff agency for the central government and so on.

As a cabinet secretary, a bureaucrat needs to possess impeccable leadership qualities.

- He needs to communicate messages at several levels.
- He needs to set visions and goals
- He motivates the other bureaucrats
- He designs ways and means to deliberate upon and execute various schemes of things.

- In a democratic country like India, he should follow democratic approach as has been suggested by Kurt Lewin.
- In order to present real ground realities to the cabinet, he must have adequate information. Motivating, encouraging, delegating the role ensures that there is participation of all organisations working at ground level. Thus effective coordination with line agencies is imperative.
- His values such as integrity, inclusiveness, etc. are tested much.
- To ensure effective implementation of all plans set by the cabinet, he needs to have managerial skills such as POSDCORB (Gullick and Urwick).
- His way of working becomes a guideline for other bureaucrats. His guiding light adherence to code of conduct motivates (Weber).

others to follow the same.

(14)

Cabinet secretary is the highest in the rank classification of Indian bureaucracy.

Thus every bureaucrat aspires to reach at this position. It is a great

platform for one to inspire, lead others. If he follows participative management 'theory' of managerial cosmology by McGregor, it can surely motivate several bureaucrats.

9

→ His relation with PMO.  
→ Recent changes in Modi's era.



Q3

(15)

10  
a) Cabinet is a subset of council of ministers in a Westminster form of democracy. It is headed by the Prime Minister and is composed of few council of ministers, usually of strategic portfolios. For most of the executive purposes, it could be inferred that cabinet is the crucial body making decisions.

It is often attributed as autocratic because of excessive centralization of power.

with increase in complexity of administration, the portfolio systems were introduced.

Multiple ministries and departments were created to administer different issues, each headed by a council minister. Cabinet tends to assume all the roles of these different domains. In the modern welfare state, where state is expected to

carry out multiple functions, it is not possible for a cabinet to do that. Respective ministries are more competent to take a decision and act upon the same.

Cabinet has not become ubiquitous because:

1. There are multiple staff agencies such as PMO, & MITI Aayog, and ad hoc bodies such as Economic advisory council; to suggest executives regarding policy making.
2. The constituent cabinet is not supplemented by a separate administrative office. Eventually, ministries' offices (central secretariat) carry out their respective tasks.
3. Cabinet is not rigid or stable. With rising exigency, concerned members can always be a part of it.

4. India is a federal polity. There are several subjects under exclusive domains of the state and local governments. ~~They~~ have their own machinery to address needs of people.
5. In a multiparty democracy, the ~~con~~<sup>opposi</sup>tion parties also play major role.
6. No functioning of ~~past~~ cabinet can supersede that of parliament or Judiciary. Every decision of cabinet would be under Judicial review and can be asked upon in the parliament.

Thus, cabinet plays a part in the modern state and does not assume much pervasive presence.

b) The district administration in India has existed ever since the Mughal administration. The authority grew strong during the British rule.

After the independence, district administration (DA) was supposed to fulfill the goals of socio-economic development. They were given autonomy to carry out the task of coordinating among agencies providing services to the people.

However with the gradual democratization of the democracy with introduction of 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendments.

Emergence of democratic bodies have altered the niche of district collector (DC) such as:

#### 1. Emergence of PANCHAYATI RAJ INSTITUTIONS

→ The elected local bodies are now looking at the administration of village, block, or cities, towns. Do they implement

(18)

(89)

DC  
Relation with

PRDA

DPL

DPL

PRI

✓



centrally sponsored schemes and other programmes such as MGNREGA etc. The DC is only a need to act as friend, philosopher and guide.

(19)

2. Emergence of Civil Society organisations

- The NPM and envisaged institution of pluralism in service delivery gained momentum beyond USA. CEOs often look after the social and economic issues prevalent; thus DC is often confronted with need to ensure their functioning with respect to conditions.

3. Self help groups rise

- The voluntary organisation of women have been gaining ground in ensuring self employment and empowerment of the women. Harmonizing multiple interests become DC's priority.

4. The rising centre and state conflicts also put him/her at precarious position in addressing the balance of interests

there has been considerable change in the way DC has been functioning due to powers of democratic institutions.

Nevertheless, his niche is still relevant and in fact has become crucial. ~~He has to~~ further the coordination among all concerned bodies, in order to make their efforts converge.

Q4  
a)

The position of District collector (DC) was introduced by the Britishers in order to collect revenue from the agriculture and maintain law and order through out the district.

The very structure was continued post independence as well. DC became a linchpin of the entire district administration.

He was supposed to carry out all the developmental initiatives. ~~He~~ He was expected to be value neutral as well as politically neutral (as Max Weber has suggested). The very set of behaviour continued from colonial rule till independent rule.

The continuity of same administrative ethos and structure, led to inadequacy of administration to respond to the needs of modern welfare state. This led to bureaucratization and participation by people was neglected.

Nevertheless, after failure of series of programs, several committees were formed such as Balwant Rai Mehta, Ashok Mehta, etc. which suggested for democratic decentralization.

eventually, in 1992, by 73<sup>rd</sup> and 74<sup>th</sup> amendments, the same was achieved.

This has led to advancement of democracy by turning its nature from representative to participative.

(22)

Advancement of ~~demo~~ people's participation paved the way for de~~bure~~ de~~bure~~ cratization of the developmental process.

~~Lack~~ of Prominence of colonial attitudes with inadequate efforts towards sensitivity training (as suggested by Chir Argys) led to change in the functional position of DC.

Deal  
Structured  
Behaviour  
Values  
Separated



b) AS Gullick and Urwick have proposed, decentralisation is imperative in ensuring efficiency of an organization, which has assumed large proportions. Indian ~~demore~~ federal polity too tried to replicate this system after noting inadequacies of two tiered government.

India is a large country with 2<sup>nd</sup> largest population and huge heterogeneity. Decentralization of power with people furthers the need of effective development. The Weberian bureaucracy followed has been insufficient in successful implementation of socio-economic goals.

Also, increasing wane of NPM in the west, confided Indian administration to give people the real power. Nevertheless, the fabric of decentralization comes with its own political

ramifications.

(24)

Most of the states have been unwilling to truly decentralize their power due to assumption, that the centre seeks to bypass states' power by directly giving credibility to local governments.

Early decentralization was adopted by the states where political party truly believed in centrality of people in governance. Eg: West Bengal.

States where the state governments have considerable power, the process of true decentralization has been tardy at the best. Eg: UP, Bihar.

There is rampant intervention of state's political representatives in the functioning of local governments. Implementation of several schemes are marked by political questions. Foreg: MPLAD / MLALAD funds are

appropriated less according to the specific needs, more according to political whims and fancies

In the functioning of local governments, politics have a remarkable presence. Lack of legal accountability further exacerbates the issues. For eg: In resolution of local conflicts, there is extreme partisanship.

Not just in the government, but even in the administration of several public organisations, political interferences make fabric of decentralization

For eg: corruption prevalent among lower rung of officials, is facilitated due to collusions with political representatives.

Decentralization is the medium to bring elements of participative management in the administration, however the political presence at all levels could impact truly participative system.

10  
Highlight  
Some  
Swan  
like  
sakala  
modest  
in  
Mahant

Q. 1  
a)

The 73<sup>rd</sup> amendment provides that certain lists of state subjects (schedule 7) should be decentralized to local bodies. These subjects could be well administered by the local bodies due to the localized nature and consequences.

Although the aims and intents of the amendment are laudable, but the details are rather in comprehensiveness. It was left upto the states to finalize the intricacies of transfer of ~~set~~ functions, funds and functionaries. However, no state has done that effectively.

Article 280 of the constitution sets up a stage for mechanism of devolution of funds from centre to state. The terms of recommendation and thus amounts to be devolved change every five year.



However the case is not that clear for the third tier of government. Although every state has state financial commission, its functioning has been tardy at the best.

Consequently, the local bodies do not have adequate functions to carry out, or enough resources. They merely act as line agencies; implementing the schemes and programs of the centre and state.

The case:

Education is a concurrent subject where the centre is expected to make laws and states need to supplement them and execute. In this plan of scheme, centre passed RTE. States ~~were~~ <sup>are</sup> expected to provide adequate infrastructure. They ~~were~~ <sup>are</sup>

• • also responsible for appointment and training of teachers. At the local level however, more autonomy need<sup>ed</sup> to be given. Local governments were entrusted to oversee the maintenance of schools, carry other operational functions etc. However, there ~~was~~<sup>is</sup> little they could do.

- Paucity of funds
  - Lack of trained personnel
  - Lack of autonomy
- are the reasons why local governments remained absent from ensuring effectiveness of delivery of social good.

2<sup>nd</sup> ARC in its report on rural governance has suggested for more decentralization of functions, funds, functionaries with fair degree of autonomy

In this very case, local governments could be given autonomy to plan for local holidays in case of local festivals, add to

Answer all parts  
more appropriately

the curriculum the <sup>local</sup> arts, cultural aspects etc.

(29)

b) Article 280 of the constitution asks for setting up of finance <sup>(FC)</sup> commission every 5 years by the President (or whenever he deems) the body is expected to guide the devolution of funds from centre to states in two forms:

- > Tax revenues
- > Grants in aid.

Every FC comes up with terms of recommendation. Throughout the post independent history of India, these ToR have changed along with nature of union-state relations.

• The ToR are decided by the central government and absence of consensus

of the state governments have caused strains in overall relations.

- The 5<sup>th</sup> FC came out with a special category status for some states which have inherent disadvantages such

as : - border (International)

- hilly terrain

- tribal population

- lack of resources etc.

14<sup>th</sup> FC however removed the special category status. Since the devolution

% was increased to 42%, need of special status was done away with.

This agonized several states for loss of their status.

- Inclusion of certain criteria such as 'forest cover', 'tax efficiency' etc. in deciding share of the state

Change in  
 → CSS  
 → BRGF  
 → population, area forest policy



further stressed the union state dynamics.

(31)

- some well performing states (for eg: several states have high tax efficiency) felt that their performance is penalized as their share of funds was reduced.
- Partisanship was also alleged in deciding the recommendations of the FC.

Financial relationship between the Centre and states remain concern, for the latter has lesser avenues of raising finances. GST introduction however has provided a platform to ensure coordination and cooperation between them.

Effective cooperative federalism is the way out of resolving financial relations in a federal polity.