



An Institute for Civil Services

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RISHITA GUPTA

RANK - 18

PUBLIC ADMINISTRATION

PUBLIC ADMINISTRATION

TEST - 07

NAME: RISHITA GUPTA

EMAIL:

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①

a) Public law and order is an important aspect of any society. To ensure the same administration particularly law enforcement has been entrusted the task.

However, it is not only these mandated agencies which ensure law and order, citizenry equally partakes

- Citizenry could ensure complete vigilance without any infrastructure or uniform.
- To a large extent active citizenry with due consideration of laws could prevent crimes.
- One of the major impediments to public order is civic riot. It is the attitude of citizen only which can prevent it. for eg. a harmonious society with celebrating differences rather than divisive policies could ensure peace.

• Community policing has become a modern (2)
tool where citizen play considerable
role in helping the law enforcement
agencies. Successful ex: Friends in
Kerala, Mohalla Police in Maharashtra (Ag)

• In South Africa, citizen play role in
drafting of policies related to policing

However, there is a flipside too,
to which must be regulated. Like
mob policing is rising with no
sense of impunity where people are
being targeted for no reason.
There is a serious problem and as SC
judge highlighted that there should
be no tolerance to 'mobocracy' 17

Active coordination between law
enforcement agencies and citizen is
required. Chatterjee

b.) Human rights are natural rights which human beings possess by virtue of being humans. John Locke has been a great proponent.

It is of the utmost responsibility of the administration to prevent violation of human rights. They should not be violating human rights, nor letting any one else do the same.

Thus, it has emerged as a major area of academic study within administration.

Custodial violence, third degree torture, involvement of administrative personnel in any act against human rights; (eg: recent rape of minor, where policemen were involved) are serious issues which need to be dealt with as part of proactive and responsible governance.

International organizations are increasingly being involved in protecting

Relate to

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human rights eg: UN protocol against human rights violations (4)

Paris principles have evolved to see countries' efforts towards protection of human rights.

In India, NHRC Act was passed in 2003 to set up separate commission to protect human rights.

Adequate autonomy, personnel and necessary contempt power need to be given to these commissions.
(As suggested by a report from Centre of social studies).

c) Auditing is the process of evaluating financial accounts and transactions to ascertain:

> if person making expenditure legally or has necessary mandate

> Amount spent was truly sanctioned

> Economic efficiency of the expenditure

⑤

- 3 In India, Public Accounts committee analyzes findings of audit reports. However, it has neither technical capacity, nor powers to summon someone.

-ability, ~~so~~ it ~~remains~~ ^{to}
To make auditing process really
viable it should:

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d.) community policing means participation of people in maintaining law and order. It tries to build an interface between enforcement agencies and the communities. foreg: friends in Kerala. (6) (A)

It needs to be redefined because:

- There are no specifications as to how citizenry take active participation in such a formal and technical sphere of administration with era of network governance
- There is no provision of citizen training. Social media

- No incentives for law enforcement agencies to share power. At the end of the day, its them who is accountable to government
- There is no statutory recognition

However, community policing can ensure 'democratic system' as proposed by Kurt Lewin. It needs to be placed in legal context with adequate resource and training to community.

eg could be taken from military (7)
which has concept of territorial army
where common citizens are given opportu-
nity to learn skills of army.

e.) Criminalization of politics implies
participation of criminals into politics.
Politicization of criminals on the other
hand implies use of money and
muscle power for electoral victory.

Failure of effective service delivery mecha-
-nism has made people to take
recourse from people who could provide
them services. Bureaucratic apathy and
inaccessibility have made people to
get the work done through power.

This enhanced winability of criminals.
As a result, several political parties
started using such criminals. In
1960s and 70s, this has taken ground
where money and muscle became
feasible to win elections.

However, gradually seeing their own
victory potentials, criminals started
entering into electoral grounds. Instead
of supporting candidates, they
themselves became candidates. This
became popular in 1980s onwards.

Today, there are $\frac{1}{3}^{\text{rd}}$ members of parliament
-ent with criminal records, while
majority charged with serious criminal
records.

and ARC has suggested:

- Making amendments to PR RPA to make
candidacy of such people an offence.
- etc SC has asked for setting up
of fast track courts to prevent law
breakers becoming law makers.

(8)

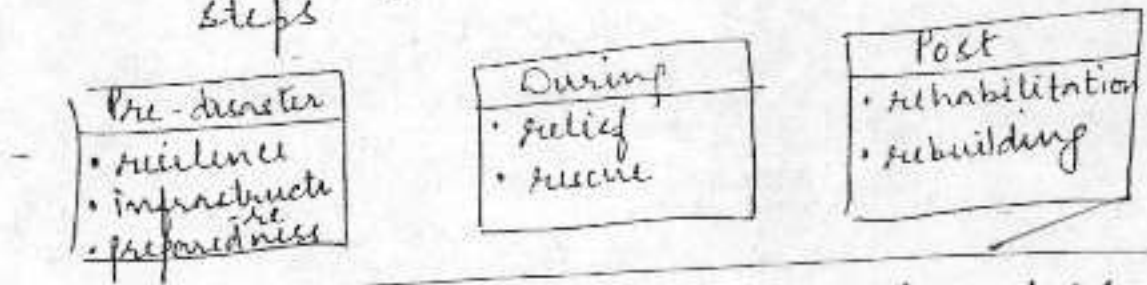
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Step taken
by EC

in
recent
years

② Disaster management is a crucial aspect of administration since it requires state's efforts and resources to be addressed.

Disaster management (DM) involves 3 steps



As an administrative issue, it has remained absent because:

1. Inadequate decentralization of power. National Disaster Management Authority (NDMA) has more power than SDMA (State). The latter is inequipped, lack personnel to address disaster.
2. Preparedness and resilient phase is underdeveloped. DM includes only reactive steps and proactive measures are absent. Recent findings by world bank estimated India as the greatest risk.

3. Absence of convergence of resources and personnel. eg: NDRF, NIDMA, SDMA etc. have no converging plan of scheme or policy of action. Overlapping of function
4. There is no long term, mid term policy to address disaster. Lack of
5. Highly sensitive areas are usually underdeveloped, yet no measures have been taken to address them. Coordination
6. Urban planning and management is exclusive for accommodation of disaster ~~not~~ for eg: expansion of Mumbai, by encroaching reservoirs, storm drains which could act as cushioning
7. No dedicated administrative department
eg: Bangladesh has a separate ministry
8. No budgetary allocations for frequent predictable disasters
9. Multiplicity of authorities, with lack of accountability measures.

Disaster resilience is very crucial to dwindle loss of property and life.
Following measures need to be taken:

1. Efforts for implementing the targets of Sendai Framework for disaster resilience
2. Robust early warning system with quick information dissemination
super computers (PARAM etc) could be used. SAGAR app has been designed for information
3. Separate budgetary allocation (As sugg-
-sted by world bank)
4. Introduction of catastrophic bonds,
disaster insurance
5. Community development. eg: Andaman communities could recall 2004 Tsunami (2nd ARC)
6. Multi stakeholder approach with coordination and accountability (As in successful rehabilitation in Uttarakhand floods)

As Mahatma Gandhi said that crises impact larger humanity, more proactive steps must be taken.

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2) b) Finance ministry plays major role in the budgetary process. (12)

- The Chief Economic Adviser works upon economic survey which is to be ~~state~~ released a day before budget. It analyses economy from multidimensional aspects in the past year, while suggesting way forward.

- The ministry, nearly 6-8 months prior to budget, starts receiving suggestions from other ministries.

- In the liberalized and globalized era, multiple stakeholders give suggestions as to what should constitute the budget eg: RBI, industrial bodies such as FICCI, International agencies such as World Bank etc.

- The ministry, ^(Revenue department) collates all recommendations and designs a budgetary draft. Fiscal consolidation ^{Various Steps.} but ^{various} nonetheless ^{steps} remains ^{various} crucial ^{steps} aspect ^{various} needs ^{steps} to be ^{various} factored ^{steps} in.

Estimate needed is
Last year expenditure
Current estimate
Current yr.

Budget
Making

- The finance minister is responsible for presenting the Annual financial state - ment

(13)

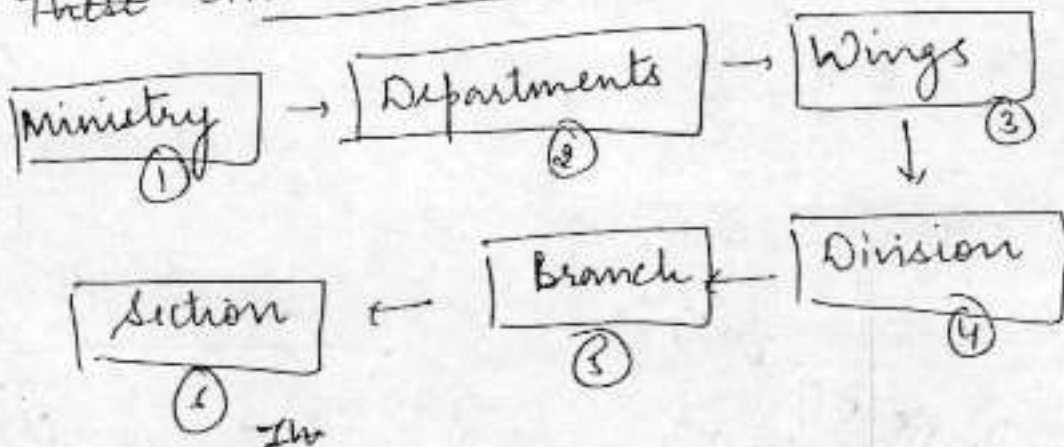
as per article 112 of the constitution.

Finance ministry comprises five departments: (on basis of Gullick & Osrick)

1. Department of economic affairs
2. Department of Expenditure
3. Department of Revenue
4. Department of Financial services
5. Department of Investment and Public Asset management

The Budget division of department of economic affairs is responsible for budget making.

THE STRUCTURE OF MINISTRY



Ministry is headed by the minister and department by the respective secretary (14)
Joint secretary heads wing.

Ministry is housed in the ^{North} ~~South~~ block of cabinet secretariat.

The major roles ministry plays in economy are:

- > Taxation
- > Financial legislation
- > Capital market
- > Budget
- > Union and state finances

Ministry also is an exercising authority several cadres of central services such as Indian Revenue service, Indian economic service etc.

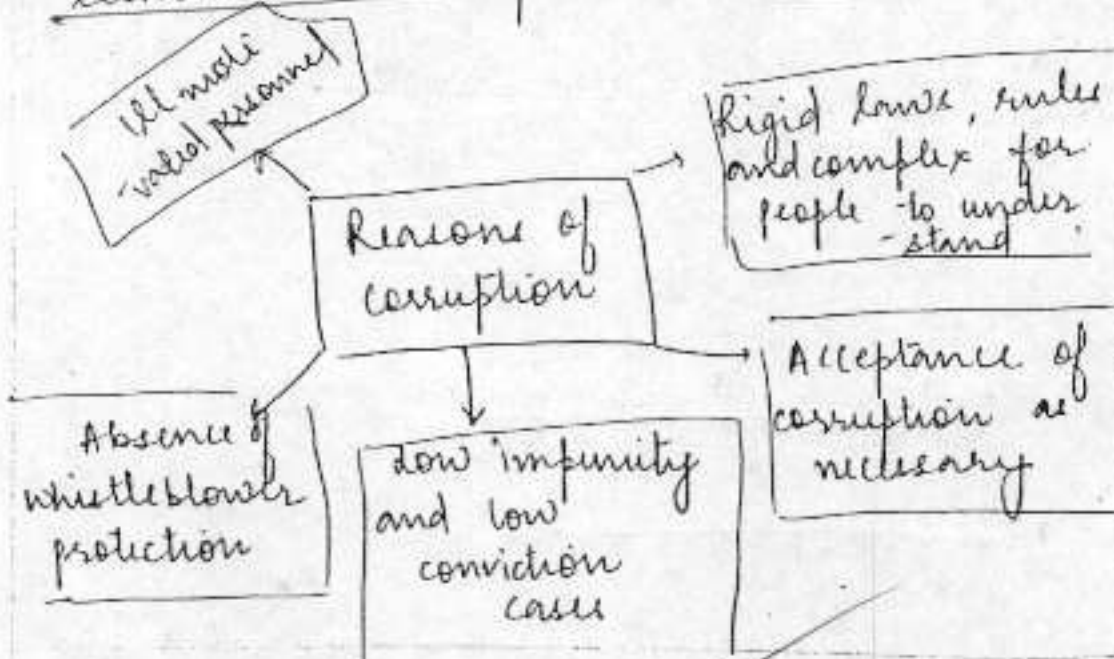
(3)

(15)

a) Corruption is the abuse of authority for personal gains. It tends to hamper the functioning of economy as a whole. It reduces public faith on the institutions.

According to Transparency International, 69% of Indians believe that there is high level of corruption. A zero tolerance strategy is thus required.

Corruption tends to divert public resources. It reduces the ability of government to bring in socio-economic development.



R 2nd ARC in its report. "Ethics in governance" have given suggestions to address corruption in India, which has grown to become both systematic and systemic.

Recommendations:

(Representation of People's Act)

1. Strict charges against corruption. RPA, could be amended

2. Promoting e-governance to bring transparency

3. Strong vigilance mechanism with adequate autonomy eg: CVC,

4. Enactment of Lokpal bill to ensure grievance redressal with people.

5. Creation of Awareness among people and educating them

6. Removal of unnecessary laws and rationalization of procedures

7. Ensuring parliamentary accountability, strengthening functioning of committees such as Public account, estimates

Ethics in Governance
Code of Individual ethics
Code of Morality

2. Multistakeholder approach, ensuring social audits.

3. Protecting honest officers

Strict actions against corruption are required. Passing of Prevention of corruption act, 2018 is a step towards an emboldened state with political will to address corruption.

b) CAG (Comptroller and auditor General) is the constitutional authority (Part V), appointed by the president. He acts as the bulwark of public purse.

CAG activism refers to proactive CAG, who not just audits financial statements of public accounts, but also tries to bring economy of expenditures. He highlights scams and paves way for government's accountability.

For eg: In 2004, the then CAG revealed 2G scam publically.

CAG activism has becoming trend in India because of :

- > rising corruption
- > collusions between government, private sector
- > failure of parliamentary procedures to hold government accountable.

Ramifications of the activism are both positive as well as negative:

- * POSITIVE
- It has ensured another channel of government's accountability
 - It has potential to reduce arbitrary use of power
 - provide robust checks and balance
 - make people aware, thus act as transparency enabler

- NEGATIVE
- CAG is not constitutionally mandated to release reports publicly or express his opinions. Activism thus violates these principles

Started by Vinod Rai
→ Highlighted 24 & Coalgate scam in public domain

→ Activism fails to distinguish between malafide intent and bonafide mistake

(19)

→ It has created 'action para-lysis' because honest officials are in fear

→ may underline partisan motives

Recent quashing of allegations in 2G scam by CBI court has highlighted serious discussions to be taken vis-a-vis CAG activism

In democracy, only democratic institution should be proactive in protecting public money. A balanced approach instead of outright activism would protect dignity of the office.

9. Social Audit Under CAW

④ In a parliamentary democracy, people's representatives play crucial role in holding government accountable.

control over public expenditure is major aspect of accountability. There are several tools designed by the constitution to ensure accountability.

1. Annual financial statement

→ No appropriation from consolidated fund could be made unless parliament approves financial bill.

Motions such as cut, token, economy are given for showing approval. For eg: by using cut motion, expenditure needs to be cut upto Rs 100. As a result in could lead to no confidence motion. Vote for grants is other area. The demand for grants are scrutinized by departmentally standing committees.

However, working of these committees need to be improved.

Parliamentary committees such as estimates, public account, on non public sector undertakings.

Functioning of these committees could be improved by:

- providing expert assistance
- increasing tenure from 1 year to 3 years
- making their recommendations binding on government to submit ATR (Action taken report)

3. Removing the provision of 'guillotine' for budget. It is often misused to prevent discussions.

This year, using this, government passed budget within a month.

4. Leveraging parliamentary group forums to enhance parliamentary knowledge in matters of finance.

5. Parliamentary secretaries could be empowered.

Financial accountability is imperative for robust government's accountability. Innovative steps must be adopted to strengthen the parliament.

6) Under schedule 7, public law and order, police is part of state but however, according to under 356, the central government has a responsibility to protect citizens from external threat and major internal threats. (25)

Central police forces play a major role in assisting state police forces in creating robust law and order regime. Some forces also assist military forces to man the crucial borders. (9)

Role of various forces are:

1. Addressing challenge of ideological threats
Left wing extremism has led to Maximalist movement. In words of former Prime Minister, “NAXALISM IS THE BIGGEST INTERNAL SECURITY THREAT INDIA IS FACING”. Central forces such as CRPF (Central Reserve Police Force), COBRA (Central Operational Border Reserve Army) etc. look after the same. → Assam police, BSF, SIT, RPF

2. Addressing concerns of infrastructural security

- It is of utmost need to protect infrastructure from serious strikes.

anti state activities or terrorism CISF
(Central Industrial Security Force) does that.

(23)

3. Addressing organized crimes

- drug trafficking, trafficking of people, money laundering, arms smuggling are emerging crimes. These are organized.

> either trans nationally

> perfect collusion between

politician, businessmen, police etc.

CBI (Central Bureau of Investigation)
addresses these crimes. CBI also addresses
white collar crimes.

4. Manning crucial borders

- In aftermath of 1965 war, emerged
BSF (Border security force) and in 1962
war, emerged ITBP (Indo Tibetan Bhutan
Police) at to guard borders with
Pakistan and China respectively.

- Apart from this, SSB (Sashastra Seema
Bal) at Indo-Nepal border performs
various functions such as tackling
trafficking, developmental activities etc.

1. Anti Terrorism Squad

(24)

Post Mumbai attack in 2008, special force was established for counter terrorism operations, NSG (National Security Guard)

These central police forces also enable in disaster management by performing rescue and relief operations.

The forces are also supported by central intelligence to enhance their efficiency.

→ Write the problem of police force.

(5)

a) Goods and service tax is the reformed indirect taxation. It has been introduced to ensure 'one tax nation, one taxation'.

The tax structure and decisions related are taken by GST council (GSTC). Composition of council is reflected by equal participation from centre and states. The decision making is based on consensus, where both the centre and all the states have equal power.

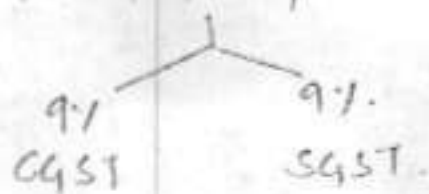
This has given an eg of COOPERATIVE FEDERALISM.

The structure of GST, including following components,

- > State GST (SGST)
- > Central GST (CGST)
- > Integrated GST (IGST)

(39)
reduce the power of taxable states

The components of SGST and CGST are same For eg: 15% GST



Writes it
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respect

Similar Unification of taxation across the country has furthered the comp coordination among states. This is kind of Participative management.

b) Administrative reforms as Caiden has described are artificial, external changes made to administrative processes.

These reforms have political cost as in democracy, political executives are accountable to the people. These reforms are slow and bring results gradually, people are thus unable to recognize them. It may affect electoral consequences.

Other factors are:

1. Reforms being transparency, but political executives are habitual of working in secrecy. Secrecy oath by minister, official secrets act deter transparency.

2. Reforms seek to enhance people's participation, but governments consider people as passive recipients of public bene-diction. Active citizenry also impacts their autonomous functioning. (27)

3. Reforms seek to promote decentralisation. However, political leaders tend to centralize power. Inadequate success of 73rd and 74th amendments ^{is} product of state's reluctance to devolve necessary power.

4. Reforms seek to promote accountability. Political executives tend to find way from being accountable.

last, but not ^{the} least, uncertainty of reforms — make them politically unviable. 'Prisoner's dilemma', is the greatest impediment.

c) In the aftermath of 1857. mutiny, Britishers strengthened law and order mechanism by enacting Police Act, 1861 (28)

The very act was adopted post independence without any alterations. Unfortunately this colonial era legacy still operates in modern India. Thus, police problems in India are legacy of Britishers. 40 sec

- Police acts as a force and not as a service
- People lack faith in police and are apprehensive.
- High levels of corruption. According to Transparency International, nearly 80% of people have bribed police.
- Police is loyal to partisan interests and not to people.
- High rigidities and strict hierarchies. Constabulary is overburdened and ill motivated. Poor working conditions further aggravate mis functioning.

- inadequate thrust on training to cutting edge officials (14% of training expenditure on 2% of top officials)

(29)

(5) In independent India, a proactive, responsive, developmental and preventive police is the need of hour (2nd ARC).
Recommendations of 2nd ARC in report on "law and order":

- disaggregation of work
- tiered police (National, state, municipal, village level)
- motivation in terms of adequate compensation, to lower level officers

Recent verdict of Mysore HC to give one day off a week too could be insightful

d) Accounting is the financial method to record transactions in the organization. There are two methods of the same:

- cash based
- accrual based.

while former records transaction only in case of flow (in or out) of cash.

while the latter, factors in all
= impending transactions to be settled. (30)

- Thus, accrual based accounting gives
clear understanding of financial condit
- ions of the organization. The system
also fosters better scope for accountabi
- lity.

- a less scope of manipulation of invoices
- scope of manipulations is reduced
- it also enables periodic audit
feasible

2nd ARC in its report on financial
management has recommended for
adoption of accrual based accounting

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e) As defined by world bank, good governance 31
- ance implies

- > rule of law
- > transparent decision making and implementation
- > Accountability
- > Democratic decentralization

No matter, how laudable the idea seems, it is ultimately dependent on how it is implemented. 5

- Use of e-governance - it promotes transparency and could enhance quality of service delivery
- Proactive (voluntary) accountability
- for eg: citizen charters, which seek to define outcomes of a project, time line and involve people at all levels.
- Bringing electoral reforms
- to ensure that credible representatives come to power.

Keep appropriate

- Multi stake holder approach in implementation of policies and their evaluation
 - adopting institutional pluralism
 - involving civil societies private sector media etc
- fixing loopholes in provision of government services
 - Direct Benefit Transfer
 - Biometric identification (Aadhar)
 to reduce ghost beneficiaries
- Social audits along with performance audits
- Protection of human rights

empowerment of citizen is the essential goal of Good governance.
 All initiatives thus target at ensuring citizen led, citizen centric administration.