



**An Institute for Civil Services**

**IAS TOPPER'S**

**TEST COPY**

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**RANK - 596**

**PUBLIC ADMINISTRATION**

**PUBLIC ADMINISTRATION***Time Allowed: 3 hr.**Max. Marks: 250***Instructions to Candidate**

- There are Five questions
- "Attempt All Questions"
- The number of marks carried by a question/part is indicated against it.
- Answers must be written in the medium authorized in the Admission Certificate which must be stated clearly on the cover of this Question-cum-Answer (QCA) Booklet in the space provided. No marks will be given for answers written in medium other than the authorized one.
- Word limit in questions, wherever specified, should be adhered to.
- Attempts of questions shall be counted in chronological order. Unless struck off, attempt of a question shall be counted even if attempted partly. Any page or portion of the page left blank in the Question-Cum-Answer booklet must be clearly struck off.

1. Invigilator's Signature \_\_\_\_\_

2. Invigilator's Signature \_\_\_\_\_

Name Samir Saurabh

Mobile No. \_\_\_\_\_

Date \_\_\_\_\_

Signature Samir Saurabh

## REMARKS

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1. Answer the following questions in about 150 words each:

(10 × 5 = 50)

- (a) "Accountability requires being professional and moral at the same time."
- (b) "Judicial control over administration if not subservient is neither superior to the legislative control."
- (c) "Judicialization of politics and politicization of judiciary, have turned out to be the two faces of the same coin".
- (d) "Administrative law is closer to sociology of law than philosophy of law".
- (e) "Citizen charters are a new look towards publicness of public administration".

Accountability can be defined as the responsibility enforced by the law rule. It's very important attribute for public servant.

This requires 2 things mostly

- 1) Being professional in conduct
- 2) Being ~~to~~ moral in action

Professionalism in accountability ensures <sup>that</sup> public servant conduct their work in accordance with the code of conduct. It enforces commitment on the part of public servant towards its duty.

For example:- A police officer must report office on time as well as conduct investigation, other works with full diligence.

Remarks

~~It make~~ On the other hand moral principle make public servant not just duty bound, by also social relevant

- It brings relevance, equity, change and value in the working of public servant

- As said by malds that public administration void of values & ethics are void. Hence professionalism when accompanied with morality makes public administration RELEVANT.

Remarks

②

As per Montesquieu's philosophy of separation of power, India has separation of power between legislature, judiciary and executive.

Each has its own set of control over each other.

In context with administration we need to understand that it is the working ground for all above three organs. Where as executive has direct control over administration.

Legislature provides the guiding path to administration via administrative and general laws.

- It ensures that every law given is restricted.

- Now many a times when administration surpasses the rule the judiciary comes in to restrict it. Especially if legislature fails.

For eg. Recently when increase in pollution in Delhi was not tackled

Remarks

by city administrators and neither taken care by legislature, Supreme Court has intervened and restricted stubble burning and construction in NCR region.

Recently ~~on~~ there were debate that judiciary always intrude in area of legislature & executive for which they are not responsible for after effect.

To counter it CJI & Dr. Lawley has said that judiciary intervene only when other fails to provide relief. We all need to understand that judiciary can ~~only~~ <sup>not</sup> make already wrong done to correct rather only provide relief where as only legislature can ensure that administration is done in most efficient manner.

In this regard it is correct to say that judiciary's control over administration is only episodic and not continuous and hence ~~the~~ legislature has more superior and responsibility towards it.

Remarks

(2)

Both of these effect we can see in current political scenario where judicial appointments are done on political favour as well as excessive interference of judiciary in political matters.

Ability to discourage judges to take stand against government decisions political execution delays promotion or transfer of judges. This leads to many rule where political less strict judicial work and less strict through ~~not~~ activism against justice politics. One occasion where judiciary intervened in legislation or law making work was rejection of NJAC which was passed as per constitutional procedure. These things enraged politician and leads to blocking of judicial works. - Ultimate loser in both are common citizen as they neither get better law nor timely judicial relief.

These <sup>makes</sup> judicialization of politics as well as politicization of judiciary two side of same coin.

These needs to be sorted out so that judiciary as well as political executive can work efficiently.

- Having proper appointment body for judiciary.
- Full accountability of <sup>Political</sup> executive to judicial decision.
- Legislation should be proper and free from dual interpretation.

Both organ needs to work with each other then only <sup>u</sup>country can have democracy secured with timely relief.

Remarks

Administrative law as defined by Dicey is that part of legal system which provides status and liability to the public official as well as ensures rights and liability of citizens. By the definition we can ascertain that Administrative law (AL) is more a practical and paraquatic part of legal system rather than philosophical

Philosophy of law symbolises these ethics in legal system that must be present. In other word it provides organised base to legal system

As sociology of law is more practical version of legal system. It gives what is generally followed.

For example: In a road accident some people have jammed the road leading to huge chaos and order situation. In this scenario it is said that Philosophy of law will allow to act on the ~~case~~ 'effect' of situation

i.e. to clear the jam by dispersing people. When as Sociology of Law will take more practical approach and try to tackle 'cause of such situation'.  
 There is no doubt that philosophy of Law is necessary to ensure AL works in responsibly and transparent manner but 'How' part of action is promoted by Sociology of Law to AL.  
 Hence we can say that AL is closer to sociology of Law being the more practical in sense and hence less philosophy of Law.

the Citizen charter was the outcome of a change toward making public service more accountable, efficient and economical. The move which was supported by NPM & Public choice theory.

John Major PM of UK has voiced for citizen charter which will be a voluntary document by public service provider to promise certain things in defined quality and timeliness.

~~Features~~  
Citizen charter basically provides

- 1) Quality :- Ensures quality of service
- 2) Timeliness :- Time by which service is ensured.
- 3) Participation :- It enables participation of beneficiaries by feedback system.
- 4) Grievance Redressal :- It also provides mechanism to provide grievance.

All these features make public administration more publicness or public friendly as:

- 1) It leads to proactive rather than reactive public administration.

Remarks

2) more equitable than partiality

2nd ARC too has recommended certain guidelines to make it more publicness and counter its problem of excessive verbose, no accountability and not legally enforceable by

- 1) Setting target
- 2) developing capabilities
- 3) Perform to achieve targets
- 4) Include stake holder in monitoring and evaluation
- 5) Change as per need.

Making Citizens Charter <sup>legally enforceable</sup> will go long way in making it more publicness than now.

Remarks

2. Answer the following questions:

- (a) Identify the reasons for emergence of citizen journalism in India. Is it a healthy trend for democracy or just a demon in the making? Comment. (250 Words) (25)
- (b) Civil Society is often considered as a watch-dog of democracy, though of late its growth is more attributable to confrontation than a constructive engagement with the State. Comment with illustrations and case studies. (250 Words) (25)

In present age of welfare state where citizens are empowered, ~~are~~ aware of their rights and also know how to get their work done, the citizen journalism is on increase.

The reason for such rise are  
 → Emergence of social media as a tool to propagate news. Jasmine revolution in middle east was one example.

→ With acts like RTI every citizen is now whistle blower to the corrupt activities as they <sup>now</sup> have data, stats etc.

→ Journalism has now transcend to new ~~dimension~~ dimension from linear to exponential and from physical to virtual. ~~this~~

This all has made citizen journalism very much possible in countries like India.

Remarks

Citizen Journalism is very helpful in making government responsible for its work. It ensures control and accountability of ~~govt~~ government by.

1) It provide information about corruption in government bodies. Recently a police officer in Bhopal was exposed on twitter demanding for bribe,

2) It makes citizen more aware of their rights as well as duties.

3) It provide means to get grievance redressed when other method don't work. For eg. twitter grievance redress

4) It make democracy strong by acting as ~~a~~ restriction to authoritarian behaviour by taking lead in public empowerment and activism.

But definitely it has had effects too.

1) Recently a couple used twitter to get grievance redressed about passport rejection where latter found that ~~the~~ there was problem on their side rather than government side.

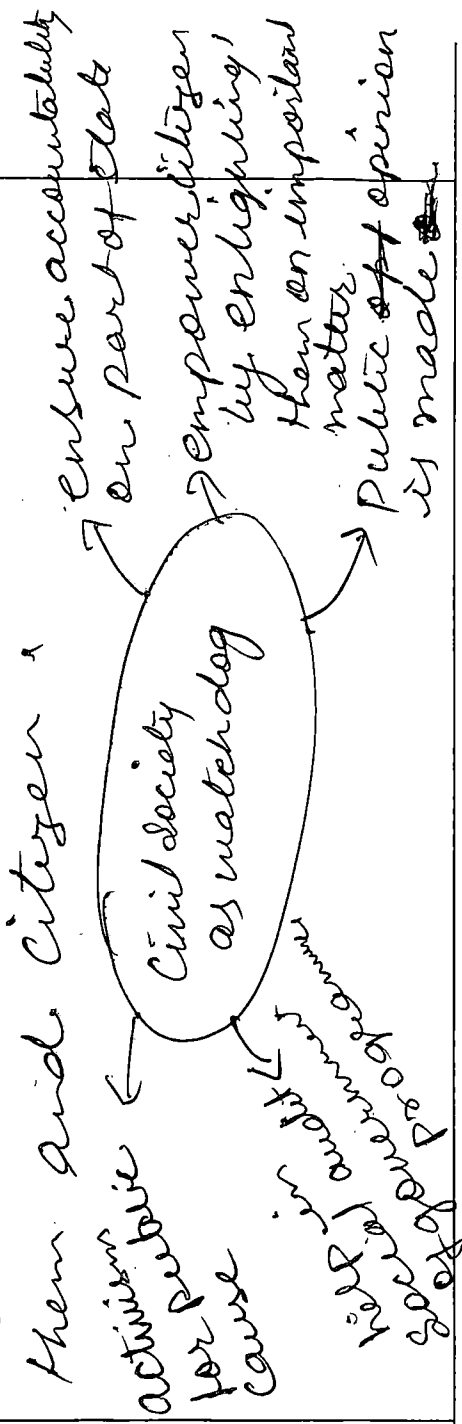
Remarks

2) Citizen Journalism has also another problem of authenticity. It's difficult to maintain authenticity on it.  
 3) It can also lead to fake news which can lead to lynching, law and order problems etc.

4) Accountability enforcement is very difficult in citizen journalism by its very structure.

There is need to maintain healthy balance between autonomy to citizen and accountability to citizen to make it more efficient and useful for public purpose.

② Civil society is that part of society which is separate from market and state but act as a bridge between them and citizen.



Remarks

But in recent year civil societies has been found diverting from their path as,

- 1) They now obstruct even required development effort of the ~~govt~~ government. Recent Obstruction to Kundalikulam Nuclear power plant by Greenpeace & NCRD.
- 2) They rather than acting as a bridge <sup>start</sup> to citizen acting as problem creator for both citizen and government.
- 3) Unaware of ground realities and practical problems they take utopian view and motivate people to obstruct government decision.

Above ~~to~~ leads to situation of Policy adhocism as well as policy paralysis where government stops all initiative or fear of losing vote bank which ultimately leads to new problem. Hence on the part of both government as well as civil society need to have understanding about their

Remarks

responsibilities and for this

- 1) They need to work constructively rather than have confrontational attitude
- 2) They should try to find out solution jointly
- 3) Civil society should help government to educate about programmes to citizen
- 4) They should act as problem solver rather than problem creator

Above suggestion will definitely go long way to improve relation between two important organ of public service

Remarks

[illegible]

Remarks

Remarks
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*Remarks*

3. Answer the following questions:

- (a) "Dicey was not only wrong in his conception of Rule Of Law, but also in his criticism of Droit Administratif". Critically evaluate. (250 Words) (30)
- (b) "Tribunalization of Justice in India and elsewhere is not a random event, but a conscious institutional response to social anarchy". Analyse. (200 Words) (20)

Dicey was considered as the father of Administrative law. He has given a new twist to administrative law to make it more accountable to the citizen.

Dicey has given criticism of droit Administrative structure followed in France and rule of law there and in UK. But this criticism was not correct as:

- 1) The very first criticism was that rule of law should be equally enforceable on all. Here he was correct that there should not be special privilege given to any one. But then treating equally is also not possible in society like Indian where inequality is huge. So positive discrimination ~~was~~ is necessary. Marx has termed it as "equal treatment is itself <sup>breed</sup> inequality".

Remarks

2) His criticism for ~~every~~ ~~droits~~ administrative was that they provide different legal system for public official. Here Dicey has taken wrong that different legal setup for public official is to prevent them from getting punishment. In reality it is best method to make ~~accow~~ public servant accountable separately for their deeds. Even in Dicey's UK there were separate administrative councils.

3) ~~His~~ His view that delegated legislation is vice was also flawed. In welfare state and complex problem on ground necessitates legislature to ~~de~~ delegate law making to some extent to executive to take care of emerging situation. Here reasonable protection is definitely provided. So Dicey was not mindful of volatile situation on ground.

So definitions and beliefs of Dicey about rule of law was no doubt provided good base to administrative

Remarks

law and its practice but it was more possible as well as applicable in a laissez faire economic setup and not much relevant in welfare state in totality.

② 3/6) Tribunalisation can be defined as an executive body which is empowered to adjudicate ~~of~~ dispute apart from normal legal system.

Why we need tribunal

With increase in complexity of disputes and lack of technical knowledge on part of judiciary is the reason.

i) General disputes can't be settled with strict adherence to law and even some case there is no law for that issue in that case natural justice needs to be used.

ii) Clogging of the normal judiciary require to setup special tribunal to relieve judiciary.

iv) Technicality of issue is better taken care of by tribunals.

v) Various stake holders participation judicial + executive provide realistic solution.

Remarks

Seeing these benefits government of India provided Article 324(A) & 324(B) for setting various tribunals.

With increase in social complexity like

- i) Service matter of government employee
- ii) Business disputes
- iii) Service related disputes like customer grievance.
- iv) Non timely dispute settlement

all of this potential to seriously harm the law and order and peace in society so in order to promote timely relief & tribunationalization was must.

It's also always necessary to provide timely justice to people and make them satisfied with the decision is prime responsibility of any democratic government. And if this is provided in cost effective, institutional way then social peace can be insured.

Lord Bingham has said that justice should not only be correct but also timely and cost effective.

Remarks

~~All this~~  
For example - Before Central Administrative Tribunal service matters of central government lingers for years and they did not get justice both for their good work as well as corrupt work. This has led to recklessness in their approach. To counter it government has introduced CAT for faster, and practical & adjudication of disputes.

There fore we can say that Nationalization was not just a random event but ~~also~~ a conscious response to social anarchy.

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Remarks

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4. Answer the following questions:

- (a) "Although the ecological approach attempts to explain the transformation process within an existing system or within the functioning of a peculiar environment, it still largely ignores the ultimate concern of public administration, namely, the evaluation of policies and the realization of intended goals." Comment. (200 Words) (20)
- (b) "Ferrell Heady's classification of political regimes and consequent bureaucratic behaviour provides a better insight into comparison of diversity of administrative systems." Elaborate. (300 Words) (30)

Q9) Ecological approach of studying the transformation provides it the relevant changes that need to be done in order to get ecological fit model. But it generally ignores the effect of ~~certain~~ those change in bringing required benefit to the public. We can understand this by following example. Odd even scheme followed in Delhi was a french method to counter pollution. Acknowledging safety issues of public transport for women & children government has provided relaxation to women with children from this rules. This lead to subsequent relaxations. Now when this ecological sensitive rule enforced it lead to various technical bypass such as women driving & husband sitting

Remarks

reside. This all bypass lead to failure of scheme.

This example provides us insight that although rule was modified with the ecological condition but after effect and subsequent evaluation of policies and intended goal to reducing pollution was largely ignored.

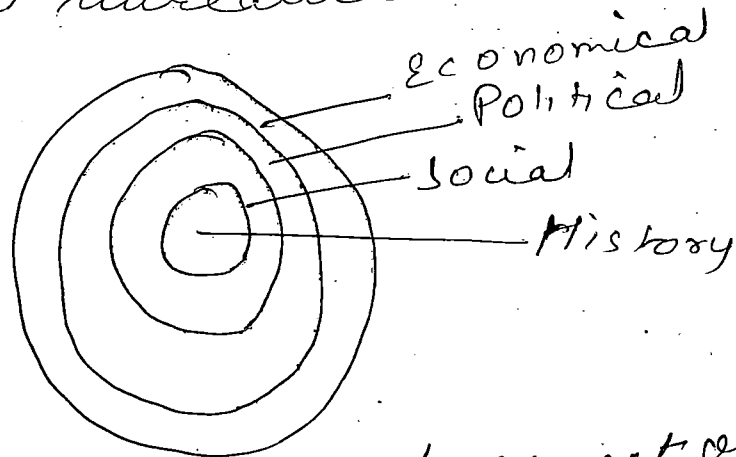
This means that although ecological aspect is necessary for policy making for making it content relevant but this doesn't mean that ultimately goal of policy can be given a miss.

- A policy must be made first keeping in mind the intended result and evaluated process and then environmental aspects should be 'embedded' in those policy as was said by Robert Crolembiowsky that ecology is embedded in historical, social economical and value aspect.
- Ecology should be the mean and not the end for public policy.

Remarks

Therefore ~~for~~ effective public administration ecology, as well as ~~the~~ policy intended goals and process evaluation form indispensable part of public administration

- 46) Ferrel, heady analyses the ~~eco~~ ecological effect on countries administration has given concentric circle model of different political regime & consequent bureaucratic behaviour



Heady said historical aspect of a country always has huge effect on ones bureaucratic and political regime. For example - Indian political regime as well as bureaucratic setup goes for secrecy in operation and ~~also~~ this as ~~political~~ colonial hangover still reflecting on countries ~~the~~ landscape.

Remarks

Similarly: a society where corruption is respected ~~and~~ to some extent by ~~not~~ terming it as general feature has corrupt government machinery.

Political as feature of mining election any how is also reflected in workings of bureaucracy which is more inclined to political executive.

But this shows that Ferrel Heady's Classification of political regimes and consequent bureaucratic behaviour provides a better insight into comparison of diversity of administrative system. But heady's strict order of effects is not justifiable because effects ~~too~~ can change ~~has~~ based on situation. For example when India got independence, it has more influence of historical colonisation & and hence preferred ~~too~~ have isolated and free from foreign capital.

Remarks

development regime but down the line to 1991 India has adopted an political as well as bureaucratic structure which is more facilitative to foreign capital and now ~~ecological~~ economical aspect has more relevant

So no doubt Ferrell-heady's classification is better in providing insight to administrative system but its ordering of effects is not correct to different administrative system.

Remarks

<i>Remarks</i>			

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*Remarks*

5. Comment in not more than 150 words :

(10 × 5 = 50)

- (a) "The biggest limitation of CPA was that it was behavioural".
- (b) "As the change is exogenic the prismatic characteristics get pronounced".
- (c) "Administrative culture is broadly a homogenous criterion of citizens average perception of Governance".
- (d) "Most of the developing societies suffer from imbalanced politics, though not necessarily bureaucratic politics".
- (e) "Social Audit must be legalized to create the consequences it is designed to".

CPA was an ~~extension~~ extension of opensystem theory where it is said the environment or ecology has effect on system.

No doubt the CPA has taken consideration of ecology effectively but major problem it faced was that it was more a behavioural analysis of system and lack practicality of situation.

- CPA provides solution as per ecology. But these are ~~very~~ highly academic solution rather than practical.

This is the major reason why Ford Foundation has rejected to renew the funding to Comparative administrative group.

It's over emphasis on theory building

Remarks

pioneered suicidal to the comparative study as it made public administration devoid of practical solution.

For eg :- It says that perfect analysis of social, historical as well as political condition should be made before designing the correct development policy. But it fails to understand the limitations

- i) Availability of information
- ii) Processing power of decision maker
- iii) Objectivity of decision maker.

So this behavioural approach doesn't take the problems on the ground and hence fails to understand that every development country study some aspect of west and then undergo certain remodification i.e. having a 'satisficing developmental model'.

Remarks

§/b) In this present globalized world changes are not just from within i.e. endogenous but also from outside i.e. exogenous. In this scenario a developing nation is caught in eternal adjustment mode to fast changing external environment and became a prismatic society

- It is said that when changes are internally ~~re~~ occurred then chances that it leads to better integration of newly developed changes. But when these changes are forced or transplanted without internal examining then it leads to mismatch in situation and its mimetic or adopted solution.

For example

Pakistani Economy has undergone more western forced economic modification and these led to a situation what we are seeing now, i.e. having mismatch in solution provided and real issue.

So it is ~~to~~ the western development model when adopted in a country which ~~has~~ has different setup leads to overlapping of institution, formation in setup i.e. followed law and prescribed laws are different. and heterogeneity i.e. simultaneous present of old law with new law.

And all these feature leads to preismatic constitution

3c) Administrative culture can be defined as the way the administration is done in the society.

Being a part of society administrative system has huge effect of societal belief system.

If society is honest, working hard to achieve aim, non dualistic in intent then similar effects will be on administrative culture.

For example

Remarks

⑧ Japanese Society ~~to~~ is highly against corruption in governance, they criticise untimeliness as well as non performance of government so the Japanese governance system is highly upright, committed to the work and observe strict timeliness where as in India citizen has general problem of accepting corruption as general happening and at times also ~~per~~ support it. This sanseitization of corruption in Indian citizen's mind is clearly reflected in Indian governance system.

Thence for improving governance in any country first citizens of that country needs to improve their mental map about governance they need and then only governance will change as governance is reflection of citizen's perception about it.

- 30\*) Riggs has promoted ~~an~~ imbalanced polity as a result of which prismatic society remain prismatic eternally.
- Several reason for unbalance polity are
- 1) Political power usurpation by bureaucratic executive.
  - ii) ~~Pre~~ presence of 'clebs' in society which is based on ascriptive character and demand particularistic ~~and~~ benefits.
- This leads to
- 1) arbitrariness in governance
  - ii) Policy adhocism and policy paralysis
- all this combinedly responsible for unbalanced ~~bad~~ polity.
- iii) Presence of norms :- Their simultaneous presence of norms give public administrator huge discretion in functioning as one time they can apply one norm and other time other. ~~for~~ This also leads to unbalanced polity for eg Even after RTI public officer block information citing

Remarks

Other norms in governance.

1v) Presence of Cargaz-canteen in system

In this rather than following strict market rules, political parties uses some incentives against market law to gather votes. For eg Recent farm loan waiver is violating market and economic laws.

So providing canteen facilities to some for personal benefit leads to pandora box of demands and subsequently ~~to~~ create ~~imp~~ imbalance in polity.

Therefore, only bureaucratic politics does not lead to unbalanced polity but also other reasons ~~are~~ which lead to unbalanced polity.

5e) Social audit is a mechanism to ensure that ~~an~~ government programmes, functions are giving relief to the target citizens. Recently Meghalaya became first state to legalise social audit on large

Remarks

Scale Government work.

1) Traditional Audit (TA) just ensure the financial aspect and process aspect whereas Social Audit (SA) ensure the outcome of the programme.

2) TA is more centrally controlled top down approach. hence unaware of the ground reality where as SA ensure bottom up and accountable auditing

3) TA has no citizen participation hence no empowerment where as SA provides citizen empowerment.

4) Few person audit hence prone to corruption whereas in SA there are multiple eyes hence chances of corruption reduces.

5) TA is ~~more~~ printing in nature and comes at last whereas as SA is concurrent and ensure control from accountability fixation

Due to above reasons it can be said that Social audit is legalized will provide results ~~at~~ that is required for social merit.

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