

113

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.

Examples:
- Case Studies
- needed.

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1. Invigilator's Signature _____

2. Invigilator's Signature _____

Name Dipankar Choudhary

Mobile No. _____

Date _____

Signature Dipankar Choudhary

REMARKS

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Roll No. _____

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

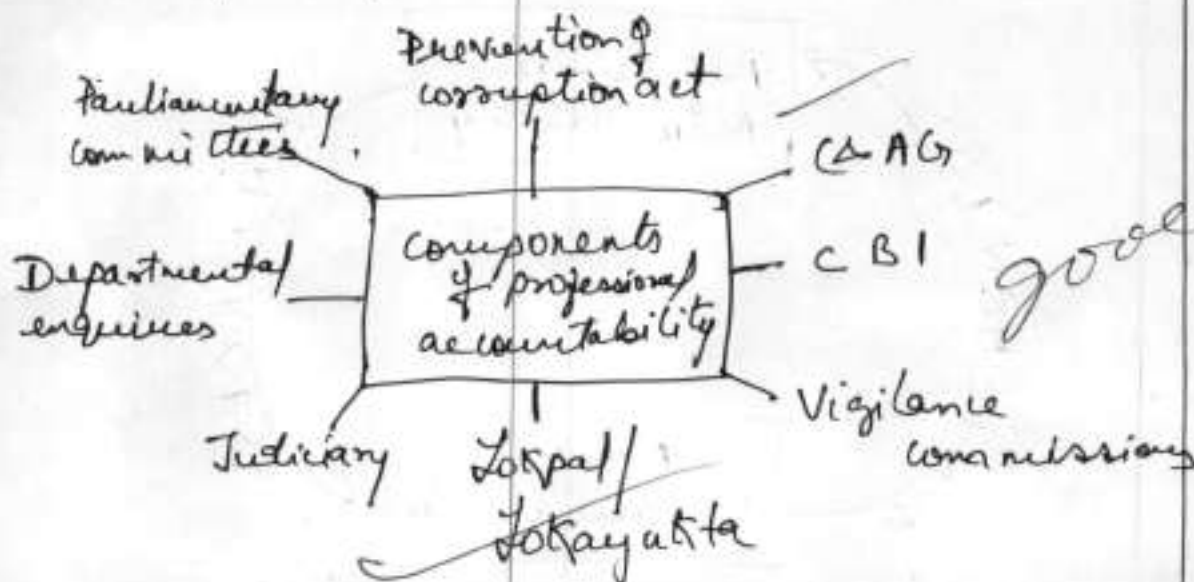
(10 × 5 = 50)

- (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".

a) Accountability means giving an account of one's own activities to others.

Professional component:-

- i) It is ensured by rules, laws, regulations etc.
 ii) It is legally enforceable.
 iii) Violation of professional accountability can lead to punishment or prosecution



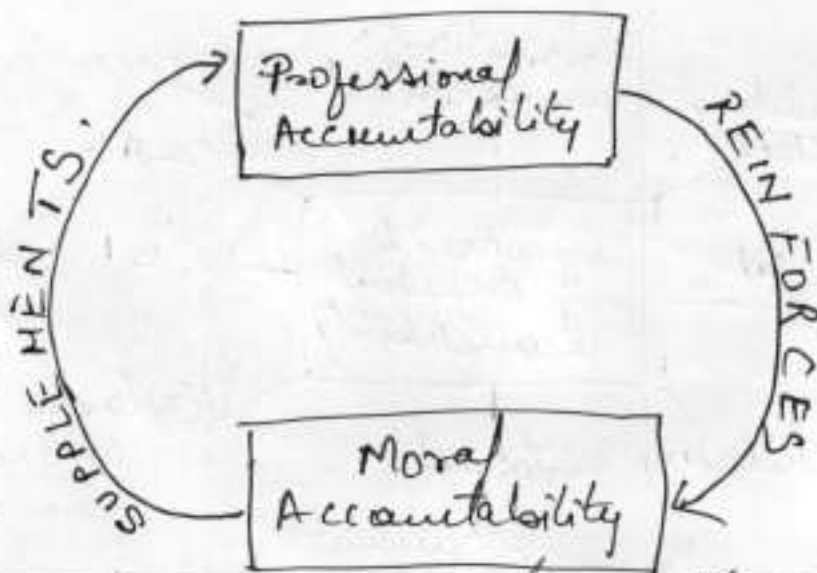
5/5
good effort

Remarks

Moral component of accountability:-

- i) Moral accountability is exercised by one's own ethics, values, integrity, courage of conviction etc.
- ii) Moral accountability is the first line of defense. It supplements professional accountability.
- iii) Moral accountability is not out of fear of punishment but out of shame and guilt. Ex - probity, proactiveness, compassion etc.

In the end both moral and professional accountability are related:-



PT based on both

Remarks

Could consider Friedrich Finer debate

- b) Judicial control over administration is ensured by
- Writs under article 32, 226.
 - Judicial review of administrative action.
 - Giving directions and guidelines and punishing for contempt if these are not implemented.

4/2

- Parliamentary control happens via -
- Parliamentary committees such as Public Accounts committee.
 - Daily answerability of the executive.
 - Parliamentary procedures via Question hour, zero hour, no-confidence motion etc.

Judicial Control
Somehow creates conflict with elected representatives.

The parliamentary control is insufficient because :-

- Parliament is hard pressed for time to look into each aspect of administration.
- Parliamentary discussion fracture along party lines instead of being objective.

Remarks

y In case SC/ST - recent case

- iii) Brute majority of ~~the~~ single party.
- iv) Inexperience in technical matters of administration.

Judicial control too suffers from many such issues like inexperience ~~of~~ over technical matters. Added to this there are other issues like-

- i) Judicial control is always post-hoc and damage is already done by then.
- ii) Judiciary lack effective mechanism to force compliance as can be seen in the guidelines of Prakash Singh.

Nevertheless, the judiciary has expanded its domain. It has applied fairness and natural justice in pure administrative acts. For ex - auction of spectrum (26).

~~As~~ Thus, with judicial activism, judiciary promises to shun this subservient role.

Highlighted
Judiciary
encroachment

c) Judicialisation of politics implies active participation of Judiciary in partisan politics. Recently it has seen a

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growth as:-

i) Judiciary has blamed executive for non-appointment of judges.

Overreach of Judiciary

ii) Many judges have even joined political party after retirement.

Judiciary

iii) The executive has chosen to reward judges for partisanship. Ex- Appointment of former Chief Justice as a governor of Kerala.

check on every actions of

On the other hand, politicisation of Judiciary has taken place as:-

executive &

i) Politicians have repeatedly blocked recommendations of collegium despite the Memorandum of procedure.

Legislat

ii) Tribunal of benches of Supreme Court.

Remarks

V MOP, NJAC, Appointments - K.M Joseph

Ex - Environmental bench became the National/green tribunal.

iii) Very impeachment motions as a tool to blemish judiciary.

Two faces of the same coin :-

Ultimately, both these phenomena hamper the growth and institutions of democracy as they lead to:-

i) Violation of separation of powers.

ii) Loss of trust by people on both judiciary and politics.

iii) Loss of legitimacy of the state itself.

iv) Frequent deadlocks and tussles thus delay an already slow justice system.

The way ahead comprises of restoring the balance. The judiciary should show restraint of the use of Article 142 and judicial activism. The politicians should respect the independent domain of judiciary.

d) Administrative law ^(AL) as a phenomenon or a field of public administration is difficult to define as its boundaries keep expanding. However, the boundaries reflect the sociology of law as:-

(AL)

i) AL is shaped by societal concerns. Such growth of tribunals to deal with complex phenomena of society.

→ This is more dynamic

ii) Growth of delegated legislation to ensure flexibility and adaptability of societal concerns. Ex - Essential Services Maintenance Act;

eg - RTE, Crpc.

On the other hand, the philosophy of law, which comprises of

i) Epistemology of legal issues.

ii) Philosophical background of the theory of state and comparatively

→ Static in nature

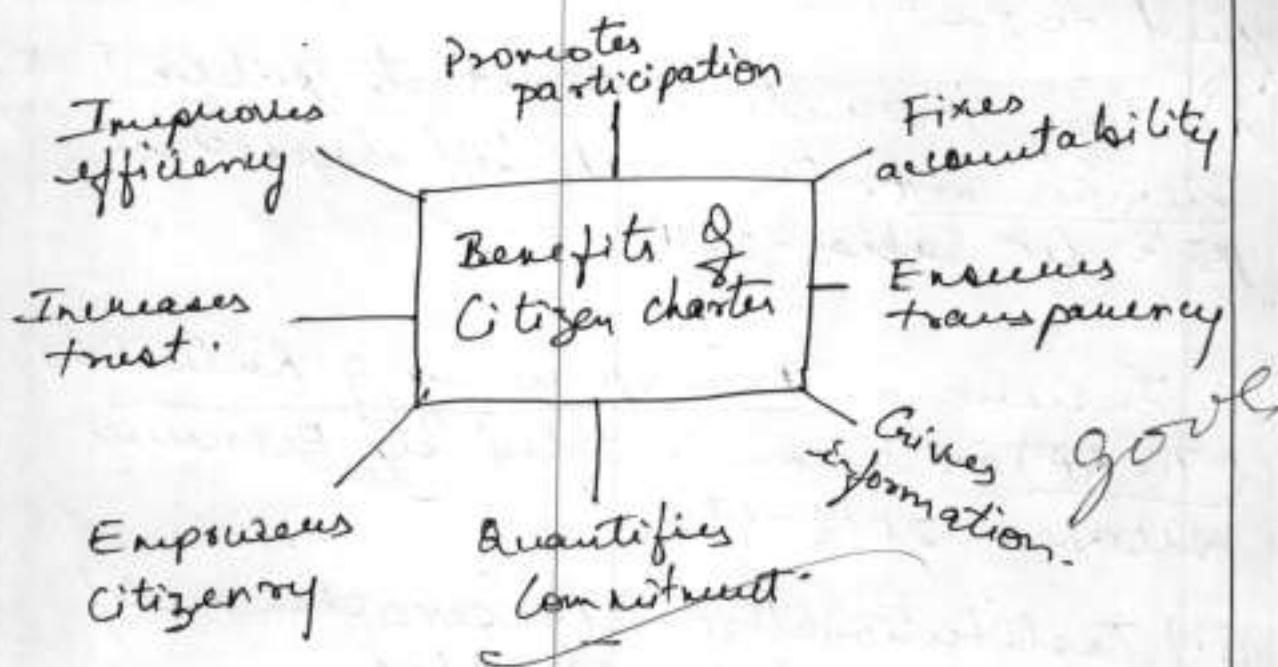
less relevant because :-

i) All complex 'nation states' have administrative laws, irrespective of the nature of state. For ex- liberal, republic, monarchical etc.

ii) Philosophy is more ideal and less practical, more ~~descriptive~~ and less prescriptive. Whereas AL is more practical and prescriptive.

Therefore AL, comes closer to sociology rather than philosophy of law.

e) Citizen charters (CC) — aim to delineate the aims, objectives, vision or mission of all government departments, ministries or bodies.



However, despite their tall claims, CC have failed to deliver as: —

- i) They are hardly revised with changing circumstances.
- ii) They are non-participative and top down in nature.

Remarks

iii) They fail to fix the quality of services being offered.

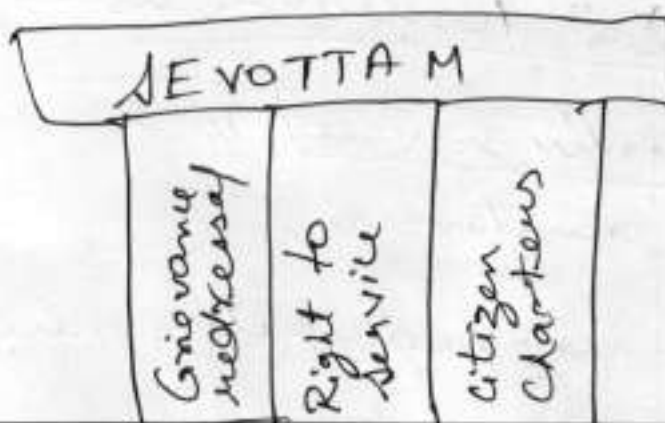
iv) They have no legal backing and can't be enforced.

Thus, to reverse their publicness we need to:—

i) Move towards Right to public service act. One such bill passed in 15th Lok Sabha (2011)

ii) Enforce a Transparency of Rules Act (TORA) as recommended by Economic Survey 2016-17.

iii) Institutionalise the sevottam model as recommended by 2nd ARC.



3 pillars of Sevottam.

Remarks

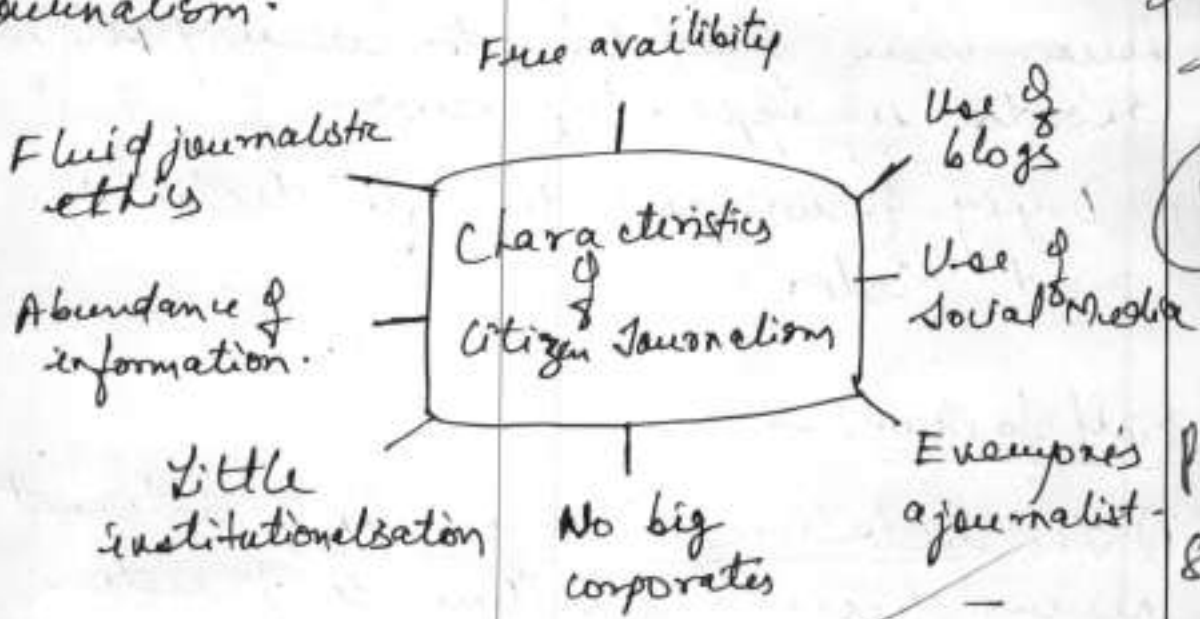
2. Answer the following questions:

- (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)

a) Citizen Journalism implies a very distributed and decentralised model of Journalism.

define in few sentence

Journalism.



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Reasons for growth of citizen Journalism can be seen due to both push and pull factors:

Push factors include :-

i) End of objectivity, media ethics and

put some appropriate examples further Jan

Remarks

neutrality of big media houses.

i) Corporatisation of big media ~~is~~ turned into a profit oriented enterprise - than a service oriented enterprise.

ii) Political pressures about what news to cover and opinions to publish. For ex - Recently journalists of a big media house were fired due to covering politically sensitive unappealing news.

iv) Drying of revenue due to decline of print media.

Full factors: -

i) The relative anonymity of internet means lesser restrictions on freedom of speech.

ii) Growth in education, political awareness.

iii) Accession to sensationalisation of every news.

iv) Growth of social media and micro-blogging sites like Twitter and Youtube.

Remarks

Here consumer become producer

v) Growing reach and increasingly internet penetration (~ 30% used).

vi) Growing smart phone market.

The healthy effects :-

i) It has deepened democracy as everyone has access to information sharing platforms.

ii) It has decreased the hold of big corporates and political parties.

iii) More debate and discussion as people are better informed.

iv) It's importance can be felt as all political parties now maintain a social media wing to influence it.

v) Improved service delivery.

Demerit in the making :-

i) Rise of fake news which are misforwarded has led to many laws

- and order situations - Ex - communal riots and mob lynchings (89 so far).
- ii) In the post-truth era, the growth of citizen journalism has totally erased the line between facts and value (phenomenological effect and post-modernism)
- iii) The growing efforts to trend a topic and morph opinions, trolls and foreign meddling as seen in USA elections, all cast serious doubts about its effects.

The way ahead lies in ensuring journalistic ethics along with citizen journalism. In such a decentralised platform - self-regulation is the best regulation. Through peer reviews and flagging of fake or violent content, this new trend can be capitalised on.

Remarks

b) Civil society comprises of what is left after state and private sectors are considered. It comprises of many forms such as community based organisations, SHGs, NGOs, private trusts societies etc.

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Watch dog of democracy:-

Role played by the civil society as a watchdog includes:-

Recently
NLU
could
participate
in
social
audit
Meghalaya
initiative

i) Mobilising participation. Ex - SEWA for women.

ii) Delivery services. Ex - Arshayatra delivery of mid-day meals.

iii) Raising Awareness:- Ex - Association of democratic reforms gives data on criminalisation of politics.

iv) Ensuring legal rights:- Taru Mitra's work on Forest rights.

v) Supporting state activities:- Ex - SHG linkage with NGO for skill development.

vi) Agitating against injustice:- Ex - Narmada

TISS
audit
in
Bihar
Lafu
care

Remarks

= Bachao andolan.

vii) Help in policy making: - Ex - Lokpal bill emerged from civil society

viii) Providing feedback: - Ex. Centre for Science on climate change effects.

However, of late its confrontational activities have grown because :-

i) Many civil society organisation (CSO's) have ulterior motive. They are working under the dictates of foreign governments.

ii) Government doesn't like it when CSO's expose its weakness and violation of rights on the international stage.

iii) Lack of transparency in funding has meant, doubts over their bona fide.

The government in turn has taken steps like: -

Issue
FCRA
illegal
foreign
payment

- i) Amending the Foreign Contribution Regulations Act to make it difficult for them to attain funding.
- ii) All CSOs have now to register under Home ministry.
- iii) They've blocked their access to sensitive areas. Ex - Jammu and Kashmir.
- iv) Arrest and deportations of foreign elements.

Illustrations/case studies:-

- i) Recently Amnesty International raised questions on government claims of fake encounters in Jammu and Kashmir. The Finance Ministry cancelled its FCRA license.
- ii) Protesters of Greenpeace were arrested when the PM was on his way to the inauguration of Kudatulum nuclear plant.

Remarks

ii) NITI Aayog in a report claimed that activities by CSO can cause an annual loss of 2% in GDP growth.

The way ahead:-

It should be realised that in the new networked-governance paradigm of public administration, ~~CSO~~ state is not-capable of achieving its ends alone. Similarly CSO needs state for its legitimacy, legal backing and regulatory framework. While constructive conflict is good as it can lead to integration (M.P. Follett); a total distrust can cripple democracy. The state has taken steps like NGO-Darpan of NITI Aayog, to increase engagement. Civil society should too take similar steps.

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)

a) Dicey's definition of Rule of law had 3 components :-

i) Everyone is equal before the law.

ii) The law is what courts decide via various judgements and interpreting legislative acts.

iii) No person can be punished unless there is a specific breach of law.

Criticisms of Dicey :-

i) Dicey held not no place for discretion in rule of law. However, as has been realised that modern administration can not be carried out without discretion because of :

- a) Unforeseeable circumstance.
- b) Risky complexities -
- c) Technical issues involved.

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the burden of rule of law up the liberty of the individual

Remarks

ii) Dicey mis understood the difference between discretion and arbitrary use of power. Every act of discretion is not arbitrary use if it is guided by ~~and~~ certain broad guidelines.

iii) The conception that law is what courts interpret and decide is typically British and not applicable elsewhere.

iv) Similarly, special privileges and powers are not violative of rule of law. Ex - when given to presidents against arrest and suits.

v) Also, these discretions and privileges existed in Britain too, but Dicey overlooked them.

Based on the lacunae's of Dicey, modern constitutional experts Madle and Phillips have revised the definition of rule of law. It includes now scope for guided ~~and~~ discretion, power of legislature, immunities etc.

Remarks

Droit Administratif :- is a collection of legal codes and principles which form the administrative law in France.

It comprises :-

- i) Principles evolved not by legislatures but administrators.
- ii) A Conseil d'Etat or a body of adjudicators.
- iii) It deals only with administrative law and citizen's grievances against administration.
- iv) It is presided by administrators.

Dicey thought that the very institution of Droit Administratif violates rule of law. because :-

- i) It gives special privileges to administrators.
- ii) Not bounded by a legal code.
- iii) Outside the jurisdiction of ordinary law courts.

However, Droit Administratif proved

Keep
appro-
priate

to be more efficient in controlling administration than ordinary law courts. It's special procedures meant that it was faster and more accessible.

Thus, Dicey's opinion that it was a hindrance to justice proved wrong.

Later on, even England too adopted many special tribunals and courts for administrative law.

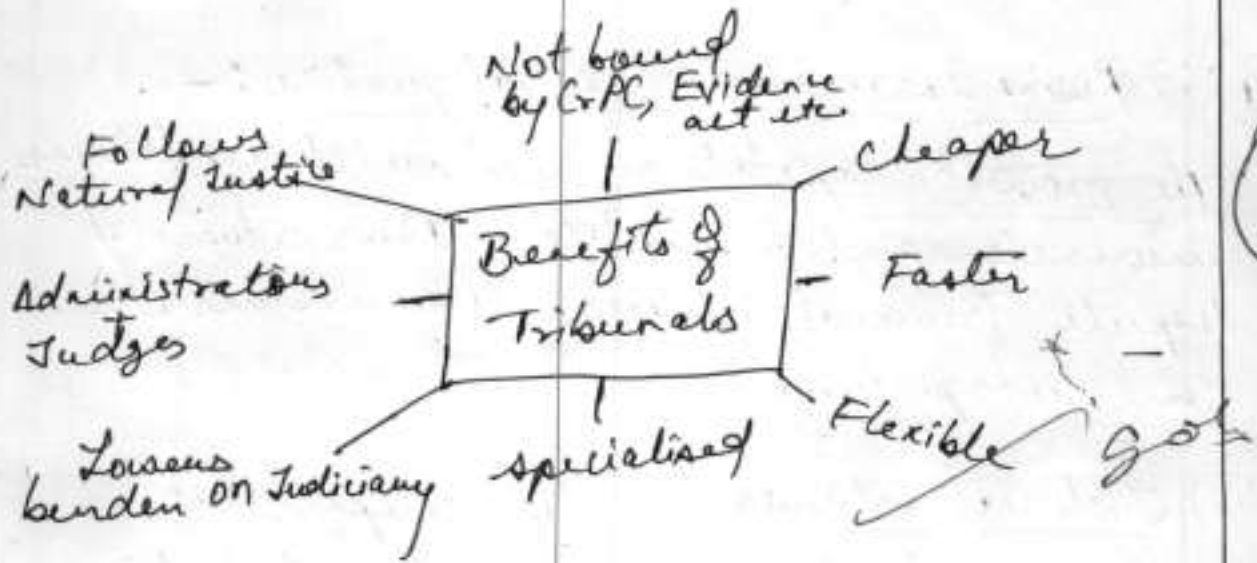
Remarks

b) Tribunalisation of justice points towards the growth of tribunals for almost all purposes of adjudication.

In India, Tribunals are provided for in

Article 323A :- Administrative tribunals at Union or state level.

Article 323B :- Tribunals for other purposes such as trade, industry, commerce etc.



for

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Reasons for the growth of Tribunals :-

i) Growth of welfare state :- It meant that the state moved into new

Some barriers

Remarks
Tribunal
→ Acted without jurisdiction
→ mala fide
→ failed to exercise administrative

areas of subsidisation, service delivery etc. The legal issues arising out of this meant that justice needed to be delivered fast and swift.

ii) Growth of independent regulatory commissions:— The philosophy of NPM and neo-liberalism led to IRCs. This in turn prompted tribunals. Ex- SEBI was established but it also led to the establishment of Securities Appellate Tribunal.

iii) Rising inequalities, social justice:— The growth capitalism and subduing labour unions demanded justice. Thus Industrial dispute Tribunal, labour commissions etc came into picture.

iv) Judicial activism:— The supreme court used its power under Article 142, to curb many environmental violations. As a free jeep reaction to it the National Green Tribunal

was established to control the activism.

v) Scams, regulatory failure and corruption:-

The satyam scam and ~~major~~ other major corporate scams have prompted the revision of Companies Act in 2013.

Under this, the Companies Law Appellate Tribunal was established. (CLAT)

vi) Later with growing NPA's and the passing of insolvency and Bankruptcy code in 2016, the jurisdiction of CLAT was expanded to include insolvency.

vii) Moreover, the executive in its attempt to control the judicial wing, merged and changed the conditions of appointment via finance bill in 2016 (Money bill).

viii) Lastly, the growth of IT, new

technologies, specialised scientific fields, new tribunals had been established.

Thus, every social issue prompted the executive to establish Tribunals.

Moreover, Tribunals always have a departmental bias and are subservient to executive, so they are the preferred route.

While the Tribunals come under respective High Courts and under special leave (Article 136) of Supreme Court; the emphasis has been to restrict that so as to ensure faster disposal of cases and lower the burden on judiciary.

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)

a) The ecological approach was espoused by Riggs in his studies of comparative Public administration (CPA).

As per Riggs:-

- i) Ecological approach aims to study the effect of environment on administration. Riggs considered 5 ecological components
- Economic
 - Social
 - Communicational
 - Symbolic
 - Political.

- ii) Riggs also aimed at studying the effect of administration on developing the society i.e. development administration.

Ultimately ignore the goal of P.A, in making value free science

89

Remarks

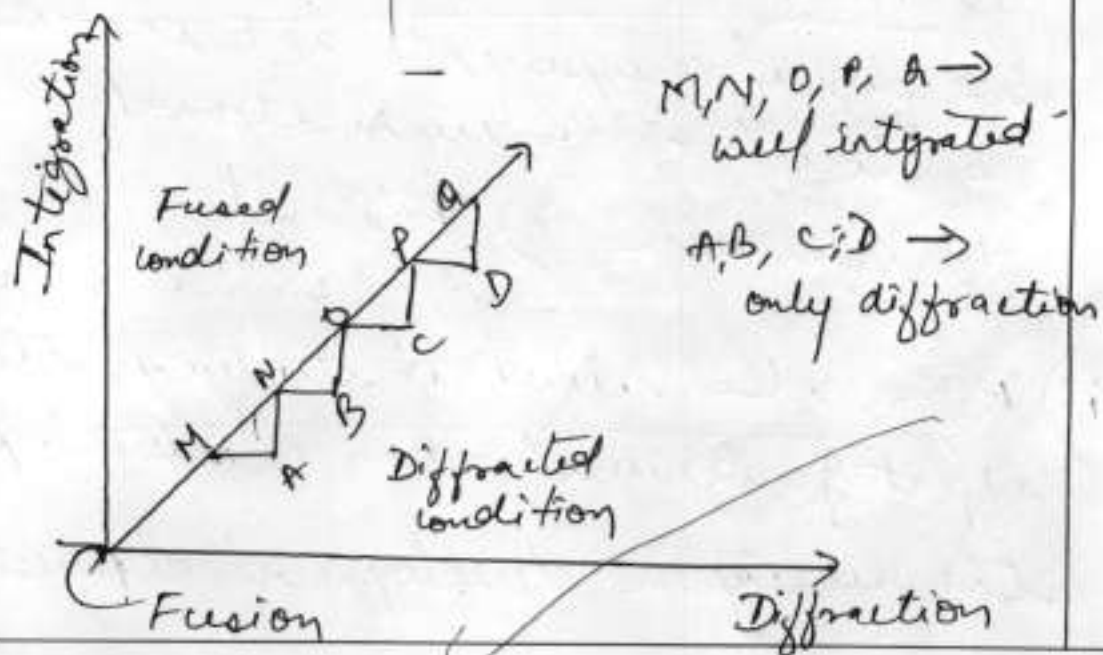
Process of Transformation:-

The process of transformation can be i) Exogenous - From outside forces leading to exopneumatic society.

ii) Endogenic - From forces inside, leading to endopneumatic society.

iii) Equi-genetic - From both outside and inside, as suggested by Riggs.

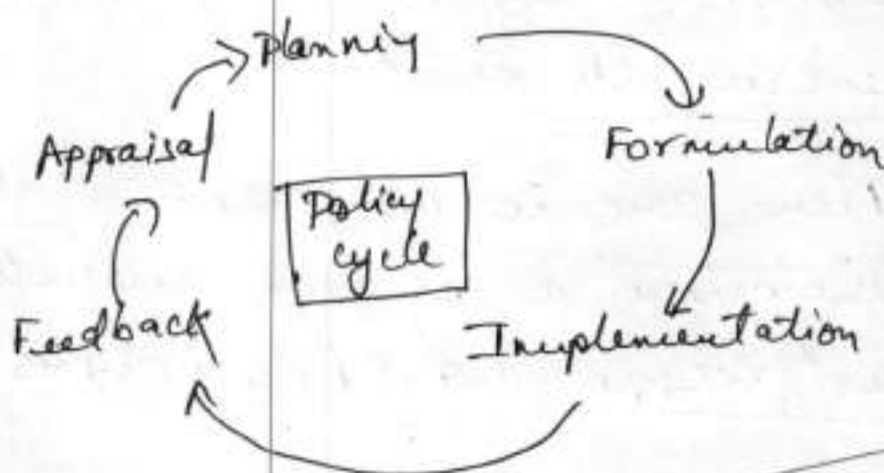
Riggs also preferred integration along with diffraction:- *applies*



Remarks

However, the Ecological approach:-

i) ~~Attempts~~ Does not attempt to understand the policy cycle in different conditions of fused, prismatic and diffracted.



ii) Riggs also says

ii) The Ecological approach also says ~~not~~ no attention to study change. It only follows a descriptive approach where current position is described.

iii) ^{Even} Riggs has not suggested any method from moving from a fused to diffracted approach.

iv) In other words, Ecological approach

is a dynamic equilibrium approach.

- It is dynamic because there is always constant interaction and influence.
- It is ~~so~~ in "equilibrium" because the beginning and end state of the system remains the same.

v) There are no components of organizational development as has been suggested by Kurt Lewin and Chris Argyris.

vi) Nor is there any mechanism to achieve intended goal as the system remains in the same state.

Thus, the Ecological approach further led to Development administration which aimed at administrative development in order to set goals and achieve it.

b) Fennel headed as a Member of Comptroller and Auditor General's administrative group, studied 3-4 world countries. On the basis of his studies, he classified the countries based on their political regimes.

- i) Bureaucracy - Prominent political Regimes.
- ii) Party prominent political regimes.

Both of these regimes were examples of Unbalanced politics. The regimes have further subtypes too.

i) Bureaucracy - Prominent political regimes:-

Consists of further subtypes like

- a) Traditional elite system.
- b) Rendu lum system
- c) Personalist Bureaucratic Elite system etc ✓

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Most of these regimes has certain common characteristics like: -

- They were inherited from colonial masters.
- The political regimes had strongman leadership.
- Sometimes they ~~are~~ swing back and forth between 2 categories of system. Ex - Rerudum system.
- break rule of law, powerful military and corruption.

Party Dominant Political Regimes: - comprised

- a) polyarchal competitive systems.
- b) Communist totalitarian systems.
- c) Dominant party systems etc.

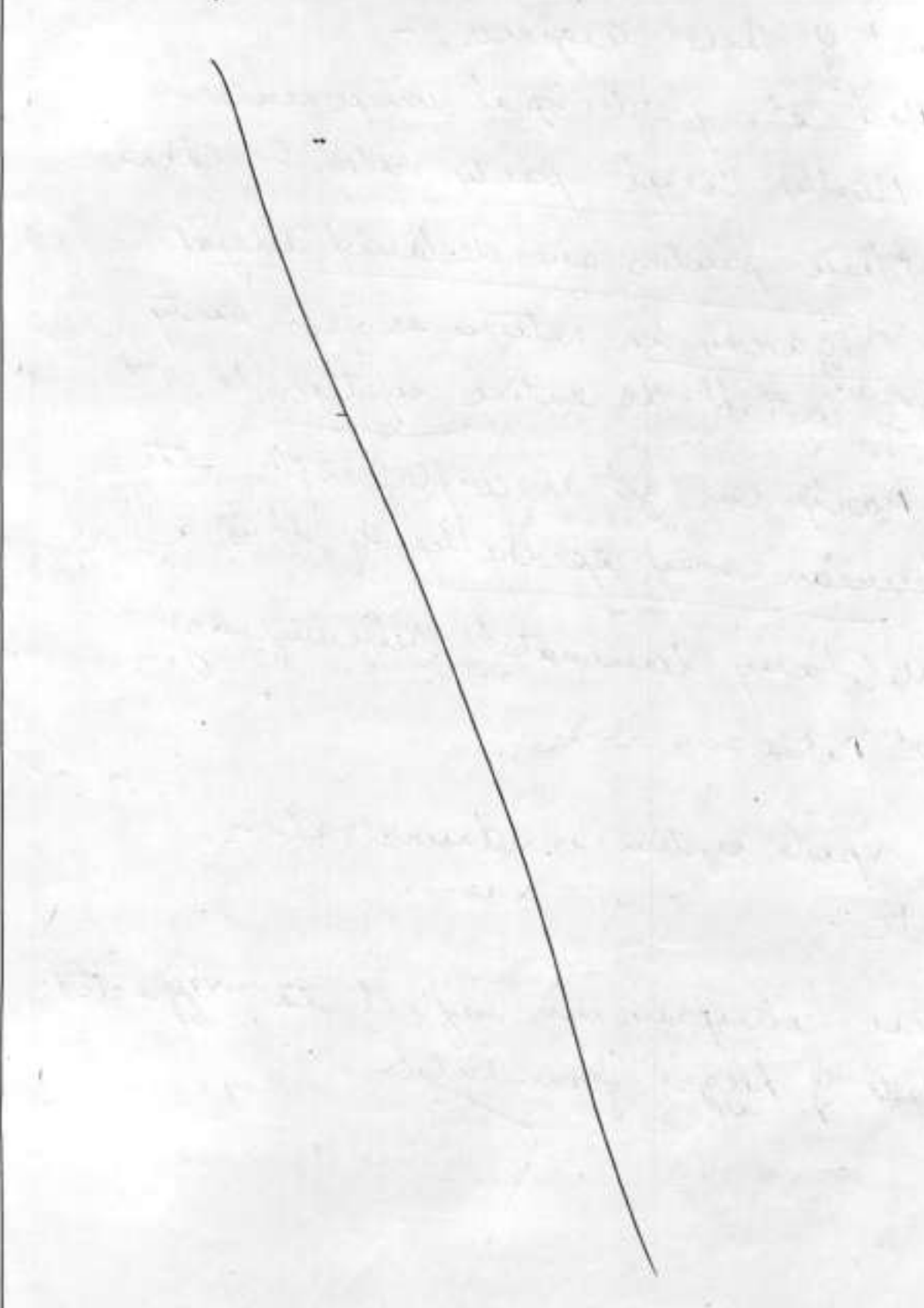
Remarks

↳ Developing countries

Most of these regimes:-

- Had strong ideological components.
- Mostly single party rule. Ex-China.
- Other parties are declared illegal.
- Oligarchy in nature as few party elites control the entire system.
- Party can get in conflict with the bureaucracy specially if it is a Military dominated bureaucracy.
Ex-Pakistan.
- Spoils system in administration.
etc.

These comparisons reflect the diffracted state of Riggs's formulation.



Remarks

5. Comment in not more than 150 words :

(10 × 5 = 50)

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

a) CPA emerged as a trend in PA after 2nd WW due to 2 major concerns :-

Intellectual concerns :- a science of administration (Robert Dahl)

- Intellectual problems faced by 3rd world countries etc.

Policy concerns :- Marshall plan
- Involvement of US administrators in Eastern Europe
- Cold war

However, in all its concerns, it remained behavioural :-

i) It relied on the behavioural techniques of empiricism, experimentation and positivism.

ii) It too followed an inductive

5

Relate
often
prag
view

Remarks

approach i.e. observation → Hypothesis → Theory

iii) It assumed that human behaviour and motivations can be scientifically studied depending on the context. (Riggs' Ecological approach).

iv) Lastly, it was rooted in Western idealism of liberal democracy and constitutionalism under which behaviouralism too developed. Thus, it viewed all 3rd world countries in a negative sense like unbalanced or prismatic or diffused.

This behavioural grip proved to be the doom of CPA.

b) Riggs has formulated 3 ways of change in a diffused society:

i) changes due to outside force — exogenous change.

ii) changes due to inside forces — endogenous change.

iii) changes due to balance of outside

Remarks

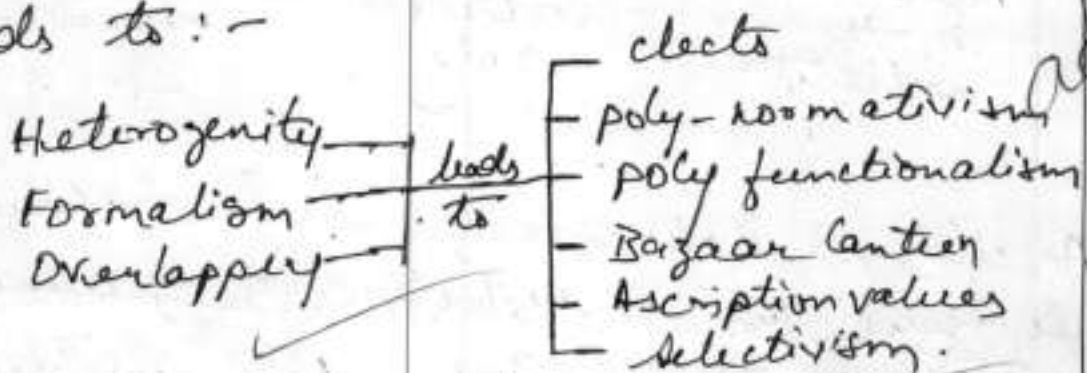
and inside forces — Equigenetic change.

Riggs views exogenic changes as problematic because: →

- i) Change is forced.
- ii) Internal change in society and values does not preclude changes in institutions structurally.

This implies that prismatic components gets more pronounced. This in turn

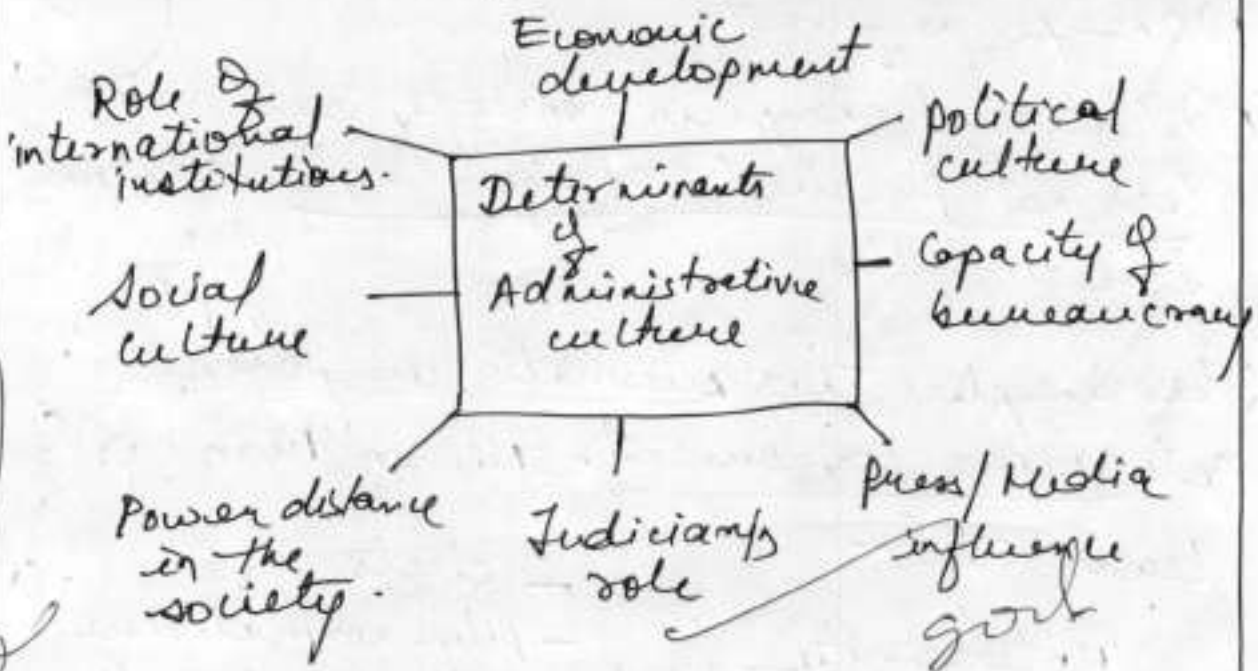
leads to: -



Thus, Riggs in turn has favoured an equigenetic change for ~~developed~~ development. In this there is a corresponding level of integration along with diffraction.

59
Keep it more adequate

- c) Administrative culture refers to the unwritten, informal rules, conduct and behavioural patterns which the administrators follow and showcase.



A citizen's influence of administrative culture is reflective of governance quality in the country. This involves characteristics like net-tapism, proactivity of the administration, sensitivity towards citizens, transparency, accountability etc.

Remarks

d) Riggs has defined 3 constituents of a political system.

i) Constitutive system - party, Legislature, electoral system etc.

ii) Head of state.

iii) Bureaucracy - military / civil, permanent / temporary. (5)

Imbalanced polity: - If bureaucracy overpowers the constitutive system or vice versa.

Most developing societies, have :-

i) A powerful bureaucracy, mostly of colonial origin.

ii) If this bureaucracy is of military origin, it crushes the political system. Ex - Pakistan.

iii) The bureaucracy via virtue of its knowledge, expertise, secrecy - concentrates all power and interferes in the political system.

Corruption
nepotism
Anti-people
& citizens

However, this might not necessarily be bureaucratic politics as:-

i) Many countries like India and Philippines have a balanced polity with dominant political institutions.

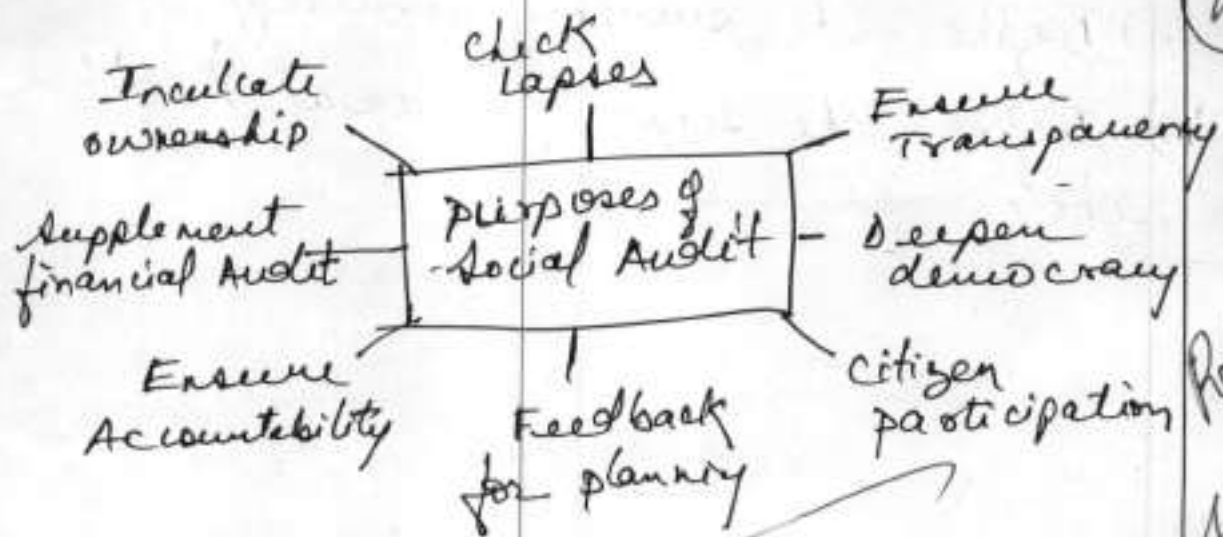
ii) In countries like China bureaucracy is totally subservient to the single party in command.

Thus, a lot of it depends on the history and culture. Those with balanced history and imbibed culture of balance by colonial masters tend to remain so.

e) Social Audit as a process involves a participatory audit of an organisation's outcome and output by all the stake holders involved.

In India - it has been legalised at some place like in Meghalaya and in MAREGA.

However, due to its ~~absence~~ lack of its legalisation, it has failed to achieve its purposes which include.



Moreover, it has been helpful too as in Thantlang Social Audit of MNREGA led to a benchmark and also won PM's award for Excellence in Public Administration.

Thus, ensuring a legal backbone would transform it from an passive to an active tool. Legalisation would help in

(S)

Relate
frowns
with
Meghalay
recognition
to
legalized
Social
Audit

the following ways -

i) Cast a legal duty which would be enforceable.

ii) Define stakeholders.

iii) Define the process broadly.

iv) Define the scope of social Audit.
etc.

Remarks

