

PUBLIC ADMINISTRATION

TEST 03

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1(a) Accountability is essential to ensure effective, efficient and transparent functioning of government.

Accountability seeks answerability for actions and inactions, and is followed by sanctions if performance is unsatisfactory.

Accountability is essential in governance process, because

i) Promotes transparency in administration
e.g. through RTI

ii) Empowers citizens to demand their rights and entitlements e.g.
Social Audit in MNRGA.

iii) Allows citizens to participate in governance directly in case of ITC
e.g. CSC, CPGRAMS, etc.

iv) Promotes equity and responsiveness.

iii)

Since, all mentioned points are core to good governance, it can be concluded the accountability is core to governance.

(b) Social media has become a avenue for direct participation in government.

e.g. Twitter Seva of MEA, Railways resolved citizens grievances immediately.

It has enhanced popular control as

i) Both administration of citizens present on same platform.

ii) Use of social media by DCs, etc. to solve public complaints.

iii) The image of government is made or mended on social media.

iv) The fast spread of opinions of content on social media.

v) Many posts of politicians raised debates, and forced them to apologise.

Thus, Social media's role in control of accountability cannot be ruled out.

However, concerns remain of its
efficiency and reliability. Therefore, it
can supplement existing external
control mechanisms like IIT, ICS,
Social Audit, but cannot replace
them.

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Good

1.c) Delegated legislation is laws made by the executive on matters delegated to it by legislature.

Reasons for emergence

Analysis
not

3

1) Lack of time with legislature gives multiple responsibilities.

2) Lack of expertise on certain matters like pollution, telecom sector, etc.

3) Need of frequent legislations, especially when Parliament is not in session.

4) To give executive scope to experiment and innovate e.g. in PPP sector like in health.

Thus, delegated legislation is inbuilt in Administrative Law.

In fact, with growth of its scope, Delegated legislation have become a necessary evil.

1.1) The market in primitive societies suffers under overlapping, which Kropka has termed as Bazaar Centeen system.

There is overlapping of market forces (demand & supply) and arena factors (caste, kinship, community, etc). This results in a situation of price indetermination.

Good (4 1/2)
In fact, no commodity has a single price in primitive society. Prices are discovered on basis of "Show me the man, I will tell you the price".

Those who have influence and privilege usually get goods & services at low prices, that is for them market is subsidised cartoon.

while the poor and underdeveloped;
it is a prudent strategy to pay
higher prices.

Thus, potential socialist market ideas
somewhere middle by free and
deflected socialist market.

10) Administration is dynamic and

inter-disciplinary and also includes
comparative study, ecological settings.

focus on
new CPA
globalization
etc

Comparative study, national governments
is not easy, largely due to emergence
of third world countries and their
development needs. Also, failure of
universal models provided thrust to it.

Expansion of CPA has included
growth of study

i) Old CPA (1950s-80s)

- Cross-national & cross-temporal
- Comparison of other countries to West only
- Quest on science of P.

ii) New CPA (1980 onwards)

- Sub-national & supra-national comparison
- Both western & non-western comparison
- Quest of better governance

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iii) Dimensional CPA

- New dimensions of CPA
 - Environment & climate change
 - Terrorism
 - Rising inequality etc.

Thus, scope of CPA is ever expanding.

29) With the large scope of government discretion in welfare state, redressal mechanisms are essential to ensure citizen welfare & accountability.

At present, many internal and external mechanisms are present for redressal.

Internal mechanisms

- 1) Complaints to department's grievance redressal office either in person or on-line
- 2) Complaints to DARPO through CPGRAMS

Critical appraisal

Positives

- 1) Quicker resolution given internal proximity
- 2) Better adjudication given administrative expertise

- 3) 98% of complaints timely redressed on CPGRAMS
- 4) Income Tax department got annual award for best performance

This shows growing efficiency.

Limitations

- 1) Lack of awareness in absence of effective CCP. More details needed on mechanisms
- 2) Delays in complaints resolution
- 3) Huge pendency of complaints
- 4) Collusion among officers is avoid punishments.

External mechanisms

1. RTI complaints

Fees

→ Nominal fee
 → timely reply
 → S.C, C.S in case of dissatisfaction

Pros →

- Exceptions
- pending cases with SIC + CIC
- Amount of activity
- frictions RTI applications

2. Lokpal & Lokayukta

Pros → Internal control

- ↳ wide coverage of politicians, officers

Cons → Delays in operationalisation

- ↳ Differences among states.

3. Police

Pros → Ubiquitous presence

- ↳ Detailed machinery

Cons → less people friendly

- ↳ politicisation of police
- ↳ lack of autonomy

Judiciary → Effective, but, delays in procedures and costly.

Thus, there is a need to
reform ~~both~~ internal & external mechanisms
on lines of 2nd ARC & NITI ~~lay~~

2. b) Administrative adjudication is the process of interpretation of laws and adjudication of disputes by the administrative agencies. For example, Central board for ~~more~~ ^{tribunal} ~~cases~~ on tax disputes.

With expansion of administrative law, grievances of citizens ~~also~~ increased. In this backdrop administrative adjudication emerged, because of following factors:

- 1) Regular courts already burdened with civil, and constitutional cases.
- 2) Regular judges lack the expertise to hear & judge administrative law related disputes.

3) Time taking and costly procedure of regular courts.

4) Large number of appeals in higher courts against administrative cases in lower courts. Too slow, how the system operates

Administrative adjudication thus, strengthened - to reduce burden of ordinary courts.

More analysis
Detail needed

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However, given the experience of administrative tribunals in India, certain areas needs concern:

- 1) Pendency in administrative courts
- 2) Rising cost of justice
- 3) Rise in number of appeals
- 4) Issues due to procedures of regular courts being followed - need of lawyers to fight case.

Thus, the very reason which was
its genesis, is now crippling the
functioning of administrative councils.

Hence, a critical appraisal of situation
is necessary to solve ~~remove~~ problems.

8(b)

Modern states perform ~~to~~ cradle to grave sort of functioning, thus increasing scope of administrative intervention.

Administrative law thus emerged to define powers, roles, and responsibilities of the State. As Griffith & Street pointed:

- (i) It defines power of State
- (ii) The manner of exercise of power
- (iii) The limits on powers of State
- (iv) The manner of exercising limitations
- (v) The mechanism for grievance redressal in case of dispute.

Essentially, thus, AL empowers modern states with power of action.

Secondly, ROA is basis of modern states. And AL is essential for realisation of ROA in administration.

e.g. Right to Equality is upheld by, metro guidelines of One coach for women, etc.

It is thus essence of modern welfare state.

5 (c) The recent amendment bill for RTI has raised questions over Govt. intent.
RTI is the tool of citizen empowerment with fast & easy access to information.

It has changed concept of accountability in developing countries, that is

- 1) From internal to external accountability
- 2) Wide definition of public authority under Sec 2(h)
- 3) Voluntary disclosure of info. under Sec 4(2)
- 4) Appeal - Two stage process

RTI has been one of the most successful citizen empowerment tool.

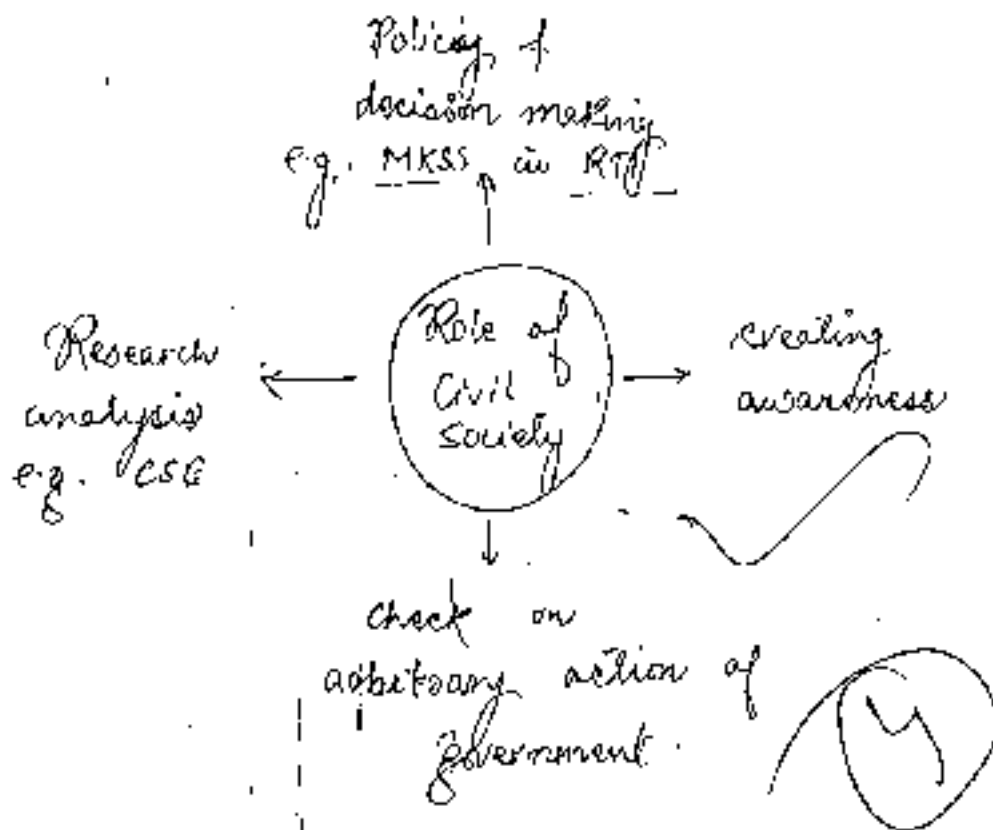
However, certain limitations need to be addressed:

- i) Misuse of exception clause ^{More can be done on how it can be more limited}
- ii) No voluntary disclosure by various departments ^{Good}
- iii) Cases pending with CFC & SIO

The amendments thus should focus on strengthening RTI Act and not making it vulnerable to political pressure.

8. (d) The 'Jan Sunwai' initiative of MKSS in Rajasthan received ^{national} wide praise for civil society role in grievance redressal. ^{More than a role is playing}

Civil society is prominent player ^{GR} in multi-actor governance as envisaged under good governance, given its multiple roles:



Thus, it acts as enabler of
grievance redressal

- i) By creating pressure on government e.g. release of a girl arrested in Manipal on sedition charges
- ii) By providing voice and platform to citizens.
- iii) Raising issues e.g. mismanagement in PDS in Delhi by NGOs.

Thus, civil society are essential
for state in era of good governance.

5.2)

Riggs propounded ecological models of different societies of world. In his comparative study of administration.

Fused (under-developed)	Prismatic (Developing)	Bifurcated (Developed)
Acceptive particularistic Diffused	Attachment Selection poly- functional	Achievement Universalism functional specificity

Though, widely used his model is criticised on following grounds.

- 1) R.C. Titman criticised it as unidimensional model not studying impact of admini. on ecology.
- 2) Han ben Lee & Daya Krishna as equilibrium model not fit for development

3) Western bias

1) Michael Munro - overlooked prismatic features in developed societies like USA

2) Identified only negative features

of prismatic societies.
more criticism needed. good effort

3 1/2

However, the criticism is valid;
but his theory established ecological
model of administration and contributed
towards development administration.

E(a)

Administrative systems reflect the nature of the society; they expand or contract, simplify or become complex with the changing nature of the society.

For example, the Indian administration is much more complex in today's welfare state as compared to regulatory state under British rule.

In the past two centuries the society has progressed from laissez faire to welfare state to neo-liberal state.

used, structure better, historical factors, structure in an orderly manner

Accordingly administrative systems have changed

1) Under laissez faire, state had a minimal role, with market forces independently operating to cater to various needs of society.

The administrative here was simple, concerned only with law and order and revenue collection.

i) With the failure of laissez faire in 1930s (Great economic depression) and resultant depression economics, the role of state expanded.

From defence, to health, education, law, justice, improving living standards, etc.

As a result, because of multiple functions, administration became complex

- i) Increase in size of bureaucracy
- ii) Rising number of provisions
- iii) Difficult to manage leading to inefficiency.
- iv) Corruption and frauds, etc.

iii) In this backdrop, various theoretical and practical approaches were suggested like NPA, Reaganism, Thatcherism, PCA, privatisation, etc. which advocated a large role for private sector in society.

With large role to private sector, the new issues of regulation and facilitation emerged.

Regulatory bodies, Indicative planning, politic-bureau news, etc. increased complexity of administration.

Thus, with change in nature of societies, administrative systems became complex.

This complexity has to be removed by bridging gaps between theory and practices and a steady comparative public administration.

(b) Accountability is way to ensuring responsibility through post-facto mechanism whereas, control is way of ensuring responsibility simultaneously during operation.

For administration to be effective, both control and accountability are needed:

Control

- 1) To ensure that implementation conforms to the envisaged plan.
- 2) To correct deviations, if any and take corrective action.

Accountability

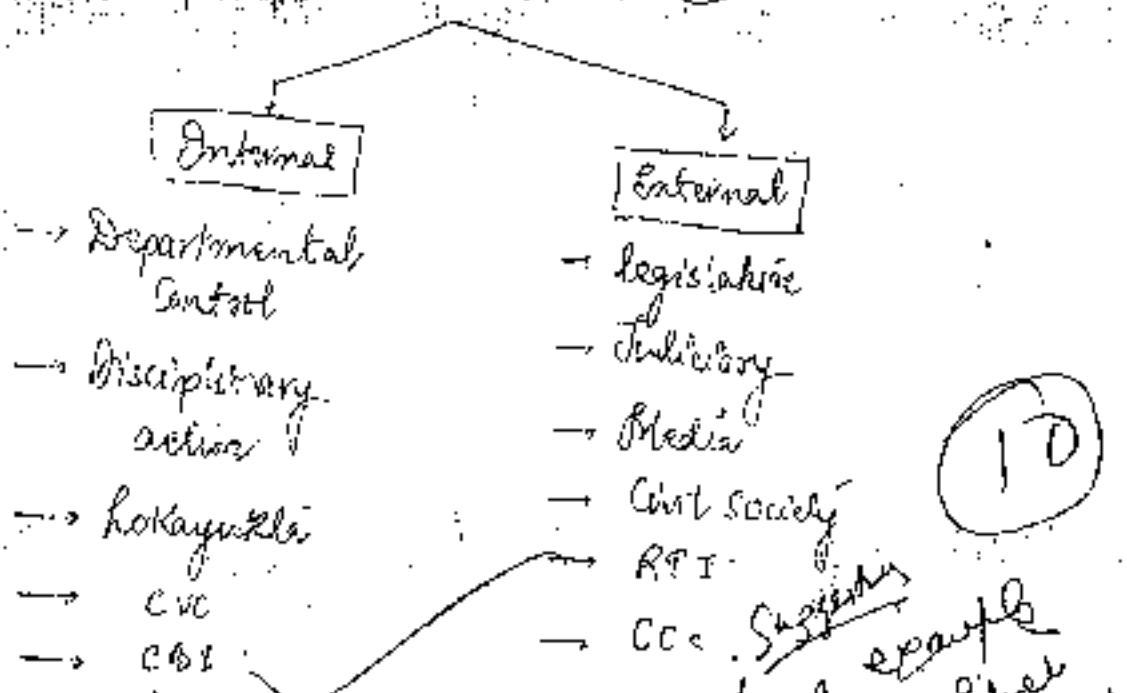
- 1) To ensure officials perform in efficient, economic and effective manner, by setting performance targets. eg. KRA, KPS

- 1) To discipline existing organisations
 - 2) To attract public interest in business
 - 3) To address various problems
 - 4) To maintain public interest and confidence
- in administration.

The high control and administration
 level in business is seen from
performance.

To bring more clearly tools of
 control like PPSCORP, management
objective etc. are necessary for internal
efficiency of Cabinet Secretariat
 check implementation of policy of
 business transactions of allocation of business
 in various ministries.

On accountability front, both internal & external mechanisms exist. For example in India



These aspects of accountability is under their control, and it can be both internal or external, where as control is largely internal.

Moreover, source of control is authority, where source of accountability is principal-agent theory.

Control is simultaneous and continuous,
and accountability is post-facto, thus
they both complement & supplement
each other in achieving efficient
administration.

Q(9) For welfare state, delegated legislation become a necessity given the shortage of time and expertise with legislature.

Delegated legislation, is simply, the laws made the executive on matters delegated to it by legislature. Therefore, it is also called subordinate legislation. For example, the e-waste management rules framed by Ministry of Environment.

As the administration performs readily to grow kind of activities, the scope of delegated legislation has increased heavily. It has taken many forms such as

- i) Deleg Positive delegation
- ii) Negative delegation
- iii) Unrestricted delegation Special DL

Positive delegation

→ Here, the legislature exclusively mentions the subjects and aspects on which executive has to frame laws.

→ Here, the scope of executive is deliberately limited.

Give examples

Negative delegation

→ Here, the legislature mentions the areas which are restricted for executive.

→ It gives a broader scope to executive for legislation.

Unrestricted delegation

→ Here, the legislature does not place any restriction, such as regulating policies of Telecom sector by TRAI.

Among these forms the negative
of unrestricted legislation are of concern
as they pose the threat of

- i) Neo-despotism
- ii) Abdication of legislature's responsibility
- iii) Excess of delegated legislation, in
name of convenience
- iv) Lack of consensus based policies
& laws.

However, ultimately rather than
the form of delegated legislation, it
is the nature of legislation that is
prime concern. Such as, whether
public was involved, procedure followed
and scope for legislative scrutiny left
or not, etc.

Though delegated legislation is necessary
evil, but it has to be prevented from being

more ext than necessary, through
safeguards, such as

- i) Committee of subordinate legislation
- ii) Constitutional provisions
- iii) limit to delegation like power
of amendment: not to be delegated
- iv) Judicial review

good

8(a) Riggs developed the ecological model of Prismatic different societies in 1959 for comparative analysis of different administrative subsystems.

The prismatic model is based on prismatic structural-functional classification to study developing societies on one hand and developed societies on the other.

Riggs' model is suited for developing economies in these aspects.

- i) Prismatic - Sala model to study aspect of ecology on administrative behaviour and structure.
- ii) Riggs' model of development - to assist developing economies in economic growth and development.

The Sala model identified features of post-modern (developing) societies, as:

Through these observations Riggs came to conclusion

that the Weberian

bureaucracy is only structurally adopted in developing countries like India, Pakistan and Bangladesh and functionally they are not Weberian. As a result - the development-

there is

- i) Incomplete
- ii) Inconsistent, and
- iii) Inresponsive.

Heterogeneity

formalism

Overlapping

i) Nepotism

ii) Clacks

iii) Bazaar -

Counten model

iv) poly-normativism

v) Authority vs

Control

- Identity structures
- identify sub-systems
etc
- with their
characteristics

Thus, his model identifies causes of failure of development model implemented in developing countries.

Secondly, Kiggian concept of development
revolving around differentiation and
Integration is also relevant to developing
economies.

As per Kiggian, these countries have
differentiated more without achieving
integration, resulting in failures, corruption,
scams and conflicts.

e.g. In India despite multiple
financial regulatory frames like PNB
frame, SHARDA, SAARDA secured. This is
because of lack of integration of
several regulatory bodies.

Also, Kiggian concept of administrative
development which advocates rapidly building
of state institutions to rapid development.

Accordingly, development of capacity of
public departments, personnel and regulatory
framework is necessary to implement
e-governance initiatives in India.

Though criticised for his theory,
Riggs was able to induce ecological
perspective in development. It is CAP's
influence that ~~and~~ ARC addresses NPA
as a dynamic paradigm, to be
adopted is per needs of country
and not a universal model.