GS SCORE

An Institute for Civil Services

IAS TOPPER'S

TEST COPY

PRIYANKA MONDAL

AIR - 802
(CSE 2022)

PUBLIC ADMINISTRATION

GS SCORE

TEST - 03

PUBLIC ADMINISTRATION

Time Allowed: 3 hr.   Max. Marks: 250

Instructions to Candidate

71

- There are EIGHT question divided in Two Sections.

- Candidate has to attempt FIVE questions in all

- Question No. 1 and 5 are compulsory and out of the remaining, three are to be attempted choosing at least one question from each section.

- 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.

→ If you incorporate more facts & provide theoretical aspects for your arguments, then you can score very well.

Name _PRIYANKA MONDAL_

Mobile No._____

Date _____

Signature _____

Invigilator's Signature _____

Invigilator's Signature _____

(1) (a) "Accountability lies at the core of Governance." Comment

(b) "Social Media / New Media has enhanced popular context control over government." Comment

(c) Cite reasons for emergence of delegated legislation.

(d) In Prismatic societies Market forces alone donot determine the operation of economic style. Comment

(e) Comparision of Administration is an ever expanding arena. Comment.

(a) Accountability means obligation of those holding power to be "answerable" for their action.

It has three dimensions answerability, responsiveness and enforcement. An accountable state remains grounded and accountability prevents its from becoming authoritarian and subjugating citizens liberty and freedom.

Governance means an effective and efficient administration in an democratic framework. And it can be only possible when an administration is answerable and responsive towards the public.

With the emergence of idea of good-Governance the concept of accountability got crystalized and became an integral part of good Governance.

Accordingly, different states has put up several accountability measures to keep those

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Remarks

with power responsive and answerable to the public, with whom the ultimately authority lies in a democratic setup.

In Switzerland, there is direct accountability in form of recall. In India, there is indirect accountability through Executive control, legislature control and Judiciary control. These Along with these traditional accountability methods, new methods like Social Audit, Citizen's charter, RTI has emerged and people are themselves demanding such measures.

Thus, accountability lies at the core of governance. An accountable, transparent administration can only bring about good governance.

(b) Government accountability and control is very important for sound administration. New methods to ensure control have emerged other than those consti prescribed by the constitution, one of these is Social Media.

Social media as a new control method -
- Act as platform to voice the citizen's demand and anyone from anywhere can do so.
- Act of corruption and other maladministration can be directly posted on social media

Remarks

→ challenges & possibility of misuse of social media

and thus expose wrongdoing of any officer.

• Through social media a citizen can directly contact the concerned authority.

• When there is government excesses people immediately voice their grievance through social media and in no time it gains world attention.

• Now if anything happens in a remote place is no more remains unheard or cannt be subjigated any further as the would world is well connected through social media.

Times and again citizens has taken to social media to voice their grievances and protest against maladministration. Now social media is the strongest tool to control the government.

Use examples & Case studies

© Delegated Legislation is the granting the power to another authority to Legislate on its behalf. Law making function is of the Legislature, when it passes on that power to the Executive it is known as Delegated legislature.

→ features those can be delegated

Sub-delegated

Reasons for Emergence of delegated legislation-
• Time constain of legislature.
• Frequent disruption in legislature.
• Legislature is not present all the time and so there may emerge need of to legislate during recess.
• ~~DD~~ Need to form Law during emergency.
• Lack of expertise of Legislature.

Scope of Delegated legislation

All these reasons has led to delegated legislation. However, even after formation of such Laws they needs to be ratified by the Parliament as peoples mandate lies with the Parliament.

Delegated legislation is necessary but at the same time executive must remain accountable to the Parliament. Nothing in excess is good. So Parliament must meet increase its number of days in session and stop frequent disruption.

3½

ⓒ The concept of Prismatic socities was given by Riggs. Prismatic socities are those between fused and diffracted

Remarks

societies, that is in between traditional and developed societies. They have features of both traditional and modern administration.
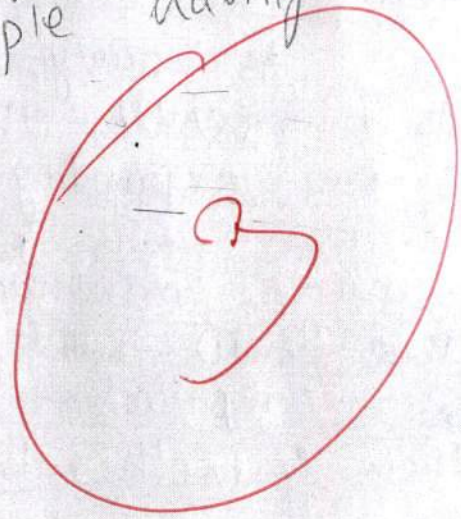
In modern societies administration is mainly aligned with market forces. *is economic factor.* However, in a prismatic society there are other factors other than economic system like cultural, religion, history, polity etc.

In a prismatic society the administrative system has a influence from every field. ~~and not solely driven by economic factor.~~

In case of India, Economy is not solely driven by market factor in such societies Along with market factor ome may favour some one with similar cultural background or religion or same language. There is a favouritism towards people having some common link.

Emphasis needed

Explain the Bazaar Canteen Model given by Riggs

facts are missing

3

Remarks

(c) Compartive public Administration emerged in the post world war senario, when it became evident that each countries has their own process of evolution, different culture, different society and western ideas cannot be imposed on them.

CPA expanded this idea. Thinkers like Riggs brought in crosscultural comparision. Comparision of Administration is difficult and ever expanding as societes continues to evolve as a result the administrative System in dynamic. while comparing

Different countries underwent different historical process, Soutal evolution, political system, it is very difficult to club countries together and make comparison at the same time each and every country cannot be compared individually.

As society changes there is new development. As a result, the comparision of Administration is over expanding area.

From Riggs Prismatic model clubbing countries together into three system there were new development like JON.G.JON's micro comparision of particular organisations, then Godsell subnational and supranational comparision as there is differences with in nation itself. As across Thus we see CPA

Remarks

2. CPA beyond the weberian four walls

emerging from 1940s to 1980s which brings out clearly it is ever expanding and its boundaries cannot be defined.

Conclude with balanced approach

Q2 (a) What are the various redressal mechanisms available to a criticism? Critically analyse their functioning.

(b) Administrative adjucation is mushrooming as the Regular courts are unable to handle burden. Give reasons.

(a) Citizens grievances must be addressed for moving towards the Goal of Good Governance. Several mechanisms for grievance redressal are - legislative

• Through legislature - A citizen gives mandate to legislatures and they act as citizens agent in Parliament. Through Question Hour, Zero Hour, and other motions they give voice to citizen grievances in Parliament

• Through Judiciary - A citizen can go to the judiciary with his/her grievances. With the emergence of PIL it has become more efficient

• ~~Registrato~~ Other Redressal Mechanisms:- like Administrative tribunals, ombudsman, nyaya panchayats, Lokpal, Lokayukt etc.

Remarks

List & classify various methods available

- Through Executive :- direct contact with permanent executives. there is Department of Administrative offices of grievances in cabinet secretariat.

Inspite of the existence of such so many grievances redressal mechanism there is not grievances which are not redressed.

- Problem of Legislative redressal -
  + Legislature is not always in senion
  + Only limited issues get addressed due to time constrain and only politically motivated issues are brought.

- Problem of Judicial redressal -
  + Time consuming
  + Difficult for Expensive mode of redressal
  + People from remote villages to come come to Judiciary and voice their grievances

- Problem of Executive readressal -
  + Out of reach
  + Delay
  + Not heard.

- Administrative tribunals most of time donot adhere to time frame and decision are challenged in courts result in delay.

- LokPal, Lokayukt has just been formed after many years of delay.

However, redressal mechanism should be effective, transparent and fast. New approach like Social Audit, right to information has emerged which are gaining popularity due to fast and effectiveness. There is also a need to strengthen other redressal mechanisms.

The relationship between citizens and administration should be based on participation, information, openness, proactive to redress citizens' grievances.

⑤ Administrative adjudication is where adjudication takes place outside regular court. Some examples are Insolvency and Bankrupcy tribunal, National Green tribunal, National Human rights commission, Commission for SC and STs, etc.

Problem with Regular courts.—
• Delay in adjudication.
• Often turns out to be expensive.
• Lack of expertise in technical matters like commercial cases
• A number of statutory provisions prohibit the judiciary from taking notice of various administrative activities.

Remarks

[margin notes in red:]
- Give relevant examples & case Studies
- Comparative analysis is missing
- Concept of Tribunalization and its constitutional framework

Adjucation needs to be fast and efficient.
Advantages of administrative adjugation—

- Fast ~~resolution~~ justice delivery as work under a strict time framework like 180 days for IBC.

- Can bring in technical expert
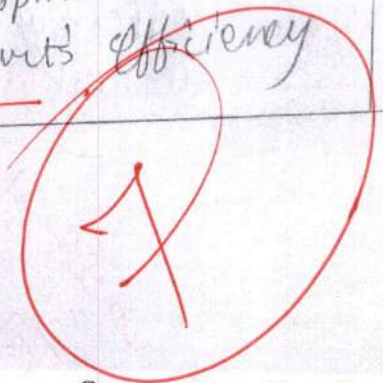
- Flexible and not bound by strict laws like Evidence Act.

- They are less costly and efficient mode for justice.

However, inspite of administrative adjucation there are certain concerns like transparency as their process how a case is decided in not disclosed. In this context American system of public disclosure of cases can be done. The judgement can again be challenged in court it increases court's burden, and defeat the very purpose of their formation. Supreme court in India must refrain from accepting appeal in every cases. In UK, there lies no appeal.
A sound justice system is necessary for sound administration and development. So, steps must be taken to increase courts efficiency.

Structure is missing in analysis.

like in India judges age can be increased number of judges can be increased

(13) (a) Ideal models of Administrative system failed to mirror reality. Contrast the models and critically analyse.

(b) Droit Administratif shaped the foundation of the study of Administrative Law. Discuss in light of Dicey's observation.

(a) Ideal models of Administrative System were mostly given by the Clanical thinkers like Fayol, Gullick and Urwick POSDCORB, Weber's Bureaucracy. They considered their models to be ideal and could be applied anywhere. They aimed as developing 'the best' theory. They fail to understand different historical, cultural and political setup of different countries.

Moreover, there cannot be an Ideal model as a society is not rigid and stable rather, they are flexible and changes not dynamic. As society changes the Ideal model of Administration fails and so we See emergence of New Public Administration which makes administration for relevant, change oriented.

The Ideal models failed to understand the cross-cultural nature of administration

Rephrase

and thus failed to bring out the reality in a system. Western administrative system when superimposed on other developing countries failed to yield `the best' results.

So, gradually the idea of competitive Public Administration evolved which states every administrative system as unique.

However, these Ideal models were the first to provide an insight into the working of administration as a seperate field from politics. They bring into lime light the need for models in administration. And it was only possible after such models that different administrative system could be studies.

Even CPA thinkers wanted to build the `Big Theory' or the Ideal model but failed which proved that in a dynamic senario there couldnot coull not exist any perfect Ideal model.

(b) Droit Administratif is the system of administrative law in France. It consist of different set of rules for citizens and administrators. Ordinary courts of law have no jurisdiction over cases in which government is a party. There exist special rule protection to civil servants. There exists Administrative court for them.

Initially, Dicey critised Droit Administratif but later he favoured that administrative law should exist and be enforced by a "body of men who combine official experience with legal knowledge" and who are independent of government. The idea was to check arbitariness and protect citizens. In this context Dicey drew similarity between Rule of law and Administrative law as both claim aim to eliminate arbitariness.

Droit Administratif system in this respect formed the bedrock for further development of Administrative law as a seperate field.

Elaborate & explain.

4½

(Q5) (a) There can be multiple ways in which administrative systems can be compared and classified. Elaborate

(b) Administrative law is the core of modern states. (comment)

(c) Is RTI in its present form suitable for developing countries? Discuss

(d) Civil Society is a powerful enabler of grievance redressal in modern states. Comment.

(e) Critically analyse Fused-Prismatic-Diffracted model by Riggs.

(a) Administrative system differs from country to country from states to states.

An Administrative system is influenced by political, cultural, economic, systems, historic systems that exist in the society. So, they can be compared in many ways.

· Riggs described these through his model of agaria-transitia-industria model.

· He also gave the Fused-Prismatic-diffracted model, where fused indicate traditional administrative system, diffracted modern system and Prismatic a combination of both.

· Gauss gave 6 aspects of ecology that impat the administrative setup -
  * Size of population
  * Geographical and economic endowment
  * Extent of industrialisation
  * Social progress

Remarks

H ½

• aspirations of people
• Catastrophies.

• <u>Riggs</u> also gave the subtype of differentation and <u>integrated</u> systems.

So there exist many ways to compare an administrative system.

(b) The Administration today affects all aspects of human life. The growth of <u>administrative power</u> though is intended for development and growth sometimes even <u>curbs</u> the <u>rights of citizens</u> and become a <u>major source of embarrasment</u> for them. Administrative law provide the effective checks on power of administration.

Basic Purpose of Administrative law -
• To check administrative 'excesses'
• To ensure that the administrative officials decide the disputes of citizens impartiality
• Protect citizens from their <u>rights being</u> encroached
• To make public <u>officials accountable to people</u>.

• Modern state is based on the ideas of democracy, liberty, freedom. A modern state aims to achieve growth and development through

— Scope & Significance of Administrative Law.

(a) the 'Good' Govenance which include transparent, accountable, citizen oriented administrative system. Thus, Administrative Law is core in modern state.

(c) Transparency and Information are important determinants of good Govenance. Further the very foundation of democratic government are trust and mutual understanding between the citizen and government. Right to information tries to achieve this purpose.

Right to Information has several exemptions like Private sector, Non-govenmental organisations. In a developing economy, everything is at nascent state and yet to develop the transparency, there exist information asymmetry.

In this case, RTI needs to be rightly oriented towards there should be openness at the same time there should be flexibility to exempt certain things from RTI perview like security.

Structure is not proper

Remarks

frame basic outline of content and analyze accordingly

2½

(c) For an efficient and smooth administration it is important to oredress grievances. It builds trust, confidence in people and make administration sensitive and responsive.

Civil Society organisations has emerged as an important platform of grievance readressal.

Civil Society organisation are a group of society with clearly demarcated purpose, functions. They include NGOs, Non profit organisations, Voluntary groups.

Civil Society as a platform for grievance readressal

- It acts as a collective voice for weak and downtrodden.

- Promote transparency and information in government functioning through RTIs.

- They can put pressure on government for particular legislation.

- They bring in limelight impo core issues.

Civil Society groups like World Wild fund for Nature successfully created awareness about Wildlife Protection, Amnesty International own Nobel Peace Prize in 1977. Thus, it is quiteevidence they have become a powerful enabler in grievance readressal.

Remarks

More Subjectivity is required in analysis

3½

(2) Riggs gave Fused-Prismatic-diffracted model in order to compare different administrative systems.

Fused model is based on traditional administrative system. Diffracted is based on modern administrative system whereas Prismatic society is a combination of both where it has adopted modern administrative system but is still influenced by traditional ~~casts~~ religion, language etc.

significance of Prismatic model —
• Helps us to understand the different types of society
• Gives an insight into working of Prismatic society and helps to compare different administrative systems.

However, Riggs model is also criticized becaus-
• The model fails in intra comparision of different administrative systems.
• Presence of prismatic traits in diffracted societies and viceversa.
• Prismatic traits may not necessarily be bad.
• There can be positive formalism ie if a rule is diluted for poor, needy then such formalism is good

Although not free of flaws but Riggs model provided a comparision between different societies for the

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Remarks

Critical perspective require more deliberation

③½

8 (a) Delegated legislature has muted into many forms with the growth of Administrative Systems. Are all these forms good? Critically analyse

(b) The Prismatic model given by Riggs is not a whole but subparts suited by developing Economies. Explain

(a) Delegated legislation in defined as making law outside Legislative. They may be rules, regulations, byelaws, orders, schemes; notifications etc.

With time delegated legislation has increased due to factors like pressure on parliamentary time, technicality, Unforseen contigencies, secrecy, flexibity etc.

They are of many forms —

• Subordinate Legislation — where Legislation may pass the law only in skeletal terms and leave the rest for administration to fill up.

significance — • according to need of situation, executive can decide about the detailed framework.
• It puts an check on executive

problem — Executive can make rules

• Conditional Legislation — Legislature lays down certain condition if they are fulfilled then administrative agency can make laws.

eg Land Revenue codes

problem — it provides law making power to executive and not just rule making!

Remarks

Delegation is an 'necessary evil'. Delegated Legislation can lead to administrative despotism. It violates the Principle of seperation of powers.

However, safeguard must be there against excesses of Delegated Legislation - Parliamentary control should be strengthened, all regulation should be printed and made public, legislature delegate its essential legislative function in any case.

Elaborate safeguards

(b) Initially Riggs thought that Prismatic Societies are those which has inadequate differentiation. Later, he himself observed that prismatic societies could be either those which are undifferentiated or those malintegrated and so gave six subcategories of Prismatic societies.

Eo-prismatic   Eo-diffracted
Ortho-prismatic   Ortho-diffracted
Neo-prismatic   Neo-diffracted

Different developing economies has different prevalent administrative system, all cannot be clubbed together into a single category of Prismatic Societies. There may be different form of diffraction, that is creation of 'New' institution and different level of integration, process of
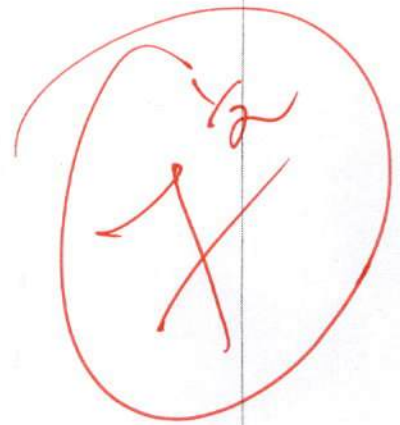
Remarks

assimilating the new.

EO means those with low level of differentiation or integration, Ortho those with moderate and neo are of high level of differentiation or integration.

Such a categorisation aptly brings out the economic and administrative system in different developing economies, as there exist many differences even between developing economies.

So, as a whole Riggs Prismatic model is not suited for all developing economies but subparts are suited.

Comparitive aspects of Prismatic Model & various sub models. Structure is missing in analysis.