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PUBLIC ADMINISTRATION

TEST 03

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1.9) 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 <sup>good</sup> governance process, because

- i) Promotes transparency in administration  
e.g. through RTI
- ii) Empowers citizens to demand their rights and entitlements eg.  
Social Audit in MNRGA
- iii) Allows citizens to participate in governance directly in era of ITC  
eg. eCG, CPGRAMS, etc.

iv) Promotes equity and responsiveness

④

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

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

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

It has enhanced popular control as

i) Both administration of citizens present on some 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 RTI, CEs,  
Social Audit, but control replace  
them.

4/1/22

Good

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

Reasons for emergence

Analyse not

3

1) Lack of time with legislature given 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 inherent in Administrative Law.

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

1. d) The market in prismatic societies suffers under overlapping, which Riggs has termed as Bazaar-Canteen system.

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

In fact, no commodity has a single price in prismatic 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 canteen.

while for poor and underdeveloped,  
it is a positive indicator as they  
pay higher prices.

Thus, postwar societies market need  
somewhere middle by factor and  
diffused societies market.

40) Administration is dynamic and

inter-disciplinary and comparative  
study in ecological settings.

focus on  
new CPA  
globalization  
etc

Comparative study of practical procedures  
is cold war era, 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 evolutionary  
character.



i) Old CPA (1950s-80s)

- Cross-national & cross-temporal
- Comparisons of other countries to West only
- Quest on absence of PA.

ii) New CPA (1980 onwards) goal

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

3 1/2

iii) Miltonbrook III

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

Thus, scope of CPA is ever expanding.

2 a) With the larger 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 DAR PO through CPGRAMS

### Critical appraisal

#### Positives

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

What.

- 3) 90% of complaints timely addressed on CPGRAMS
- 4) Income tax department got annual award for best performance

This shows growing efficacy.

### Limitations

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

### External mechanisms

#### 1. RTI complaints

+ves

- Nominal fee
- Timely reply
- S.C, C.C in case of dissatisfaction

Issues → Exceptions  
→ pending cases with SIC & CIC  
→ Attack of activists  
→ frivolous RTI applications

## 2. Lokpal & Lokayukta

Issues → Internal control  
↳ wide coverage of politicians, officers

Issues → Delays in operationalisation  
↳ Differences among states.

## 3. Police

Issues → Ubiquitous presence  
↳ Detailed machinery

Issues → less people friendly  
↳ politicisation of police  
↳ lack of autonomy

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

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

2. b)

Administrative adjudication is the process of interpretation of laws and adjudication of disputes by the administrative agencies. For example, Central board for ~~Provt~~ <sup>Tribunal</sup> ~~cases~~ on law disputes.

Tribunal  
Part XIV-A

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 acts in lower courts. Too general, how the details in dynamic operab

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

More analysis & details needed

(7)

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 ~~an~~ problems.



Q. 6b)

Modern states perform ~~for~~ 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.
- 4 1/2

Secondly, This, AL empowers modern states with power of action.

Secondly, ROL is basis of modern states. And AL is essential for realisation of ROL 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 its 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:

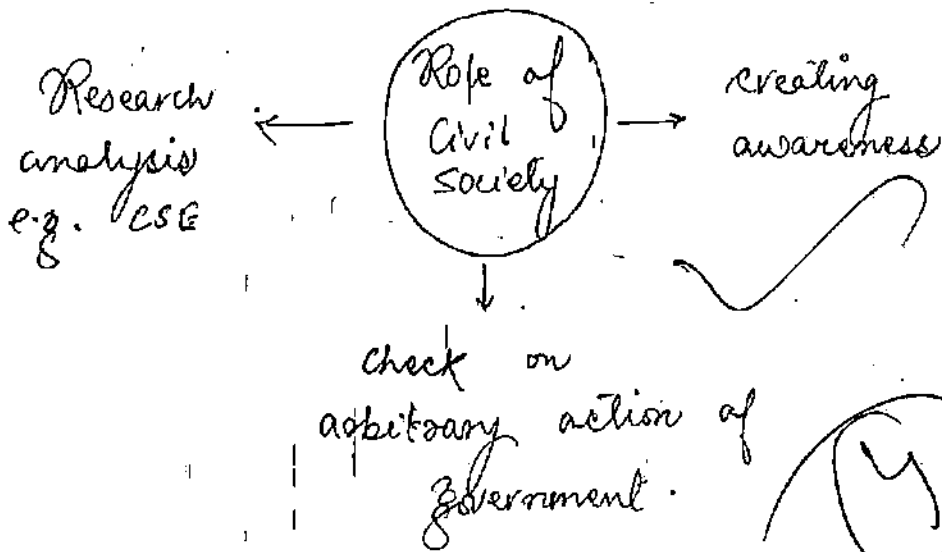
- i) Misuse of exception clause <sup>More can be done on how it can be more limited</sup>
- ii) No voluntary disclosure by <sup>many</sup> departments Good
- iii) Cases pending with CIC & SIC

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

8. (d) The 'Jan Sunvai' initiative of MKSS in Rajasthan received world-wide praise for civil society role in Governance redressal. <sup>More debate a Role is play' in CR.</sup>

Civil Society is prominent player in multi-actor governance as envisaged under good governance, given its multiple roles:

Policy & decision making  
e.g. MKSS in RTI



Thus, it acts as enabler of grievance redressal

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

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

5(e)

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

Fused (under-developed)	Prismatic (Developing)	Diffracted (Developed)
Ascriptive particularistic Diffused	Attainment- Selectionism poly- functional	Achievement- Universalism functional specificity

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

- 1) R.C. Tilman 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 critics needed. Good effort

3 1/2

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

6(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.

Good, structure better, historical factors, evolution in an orderly manner

Accordingly, administrative systems have changed

i) 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 Keynesian 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 grievances
- 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 larger role to private sector, the new issues of regulation and facilitation emerged.

Regulatory bodies, Indicative planning, poli'tico-bureau nexus, 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 truly 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

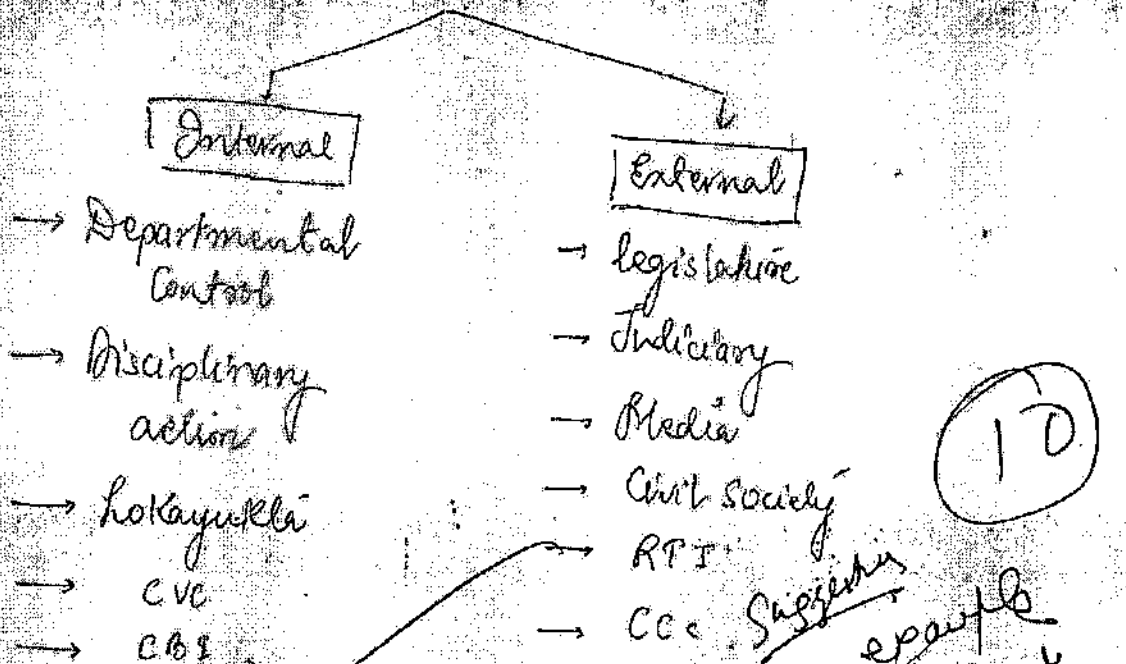
- 1) To ensure officials perform in efficient, economic and effective manner, by setting performance targets. eg. KRA, KPI

- 2) To discipline various employees to maintain
- 3) To ensure public interest is served
- 4) To address citizens' grievances
- 5) To maintain public trust and credibility in administration.

Thus, both control and coordination work in tandem to improve good governance.

To bring more clarity, tools of control like PPSCORR, management by objective, etc. are necessary for internal efficiency. eg. Cabinet Secretariat checks implementation of rules of Business, transactions of allocation of business in various ministries of departments.

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



Thus scope of accountability is wider than control, and it can be both internal or external, whereas control is largely internal.

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

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

8(a) In 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 grave 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 greater scope to executive for legislation.

### Unrestricted delegation

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



Among these forms the negative & 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.

(11)

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 evil 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(b) Riggs developed the ecological model of Prismatic-diffracted societies in 1959 for comparative analysis of different administrative subsystems.

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

Riggsian model is suited for developing economies in two aspects.

i) Prismatic-Sala model - to study impact of ecology on administrative behaviour and structure.

ii) Riggsian 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 come 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) Caste

iii) Bazaar -  
Courtien model

iv) poly-normativism

v) Authority vs  
Control

clearly structure  
identify subsystems  
etc  
& write their  
characteristics

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

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

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

e.g. In India despite multiple financial regulators, scams like PNB fraud, SHARDA, SAHARA occurred. This is because of lack of integration of ~~several~~ regulatory bodies.

Also, Riggsian concept of administrative development which advocates rapidly building of state institutions to cater 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 CPA's  
influence that ~~and~~ ARC addresses NPM  
as a dynamic paradigm, to be  
adopted as per needs of country  
and not a universal model.