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# PAVAN KUMAR'S IAS

## PUBLIC ADMINISTRATION

## TEST – 6

**Time: Three Hours** **Max Marks: 250**

### Section –A

**Attempt each of the following in about 150 words. (10 X10 =100)**

1. The use of the word the word 'union' in the Constitution is deliberate'. Comment
2. "The Indian Constitution considerably influences the nature, role and structure of Indian administration." Elucidate.
3. 'The value premises of our Constitution in the era of global constitutionalism.' Comment.
4. 'Parliament is an independent institution, not to be seen as an extension of government or of a party.' Elaborate.
5. Cabinet Secretariat and the Prime Minister's Office in India have common but dissimilar staff, functions." Elucidate.
6. "Values need to be sustained by institutions to be durable and to serve as an example to others." Discuss the significance of values in public services.
7. 'Grievance redressal mechanism is one of the weakest aspects of Indian administration.' Comment.
8. Do you think that the Central para-military police forces have proven more effective than the State police service? Give your answer objectively in a critical vein.
9. Discuss the changes in the powers of the Comptroller and Auditor-General of India (CAG) following a recent Supreme Court judgment in a case concerning a private service provider.
10. Do you think that the role of Panchayati Raj should go beyond development administration? Give reasons for your answer.



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# PAVAN KUMAR'S IAS

## PUBLIC ADMINISTRATION

## TEST – 6

### Section - B

Answer the following questions.

11. Corruption has been considered desirable and functional on various grounds. Do you agree? Substantiate your answer with relevant examples from Indian Administration. (30 marks)
12. Legislature's control over finances is neither sufficient nor effective. Discuss. (20 marks)
13. Do you think the present law and order machinery has failed to tackle the problem of criminalization of politics and politicization of crime? Analyze. (20 marks)
14. "The problems of administrative improvement in India are larger and more complex than in any other country in the world". Discuss. (20 marks).
15. Financial sector reforms are needed to ensure fiscal discipline and sustainable economic growth. Discuss the reforms to be implemented in the formulation and implementation of budgets so that they are made effective in the age of liberalization. (20 marks)
16. Outline the reforms to be implemented in the structure of administration at the Union level to make administration more accountable, transparent and efficient with specific reference to reorganization of Ministries and Departments, allocation of business rules and creating an effective regulatory framework. (20 marks)
17. Critically analyze the role of bureaucracy in India since independence in ensuring economic growth and development with relevant examples. (20 marks)



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(Test 6)

122.5/25

Prabhat Malik
8860285591

A.1. Article 1 of the Indian constitution describes India as a 'union' of states.

The choice of the word 'union' was deliberate inspite of India accepting a federal structure different from unitary structure of Britain. ~~The reason were~~

'Union' was chosen to emphasize that

1) India was not created by an agreement between the states (unlike USA)
2) The state don't have any right to secede from the union.

This was because at the time of Indepence

a) Secession currents in many Princely states eg. Hyderabad ~~&others~~.
b) Partition leading to communal violence.

Thus, to emphasize on unity & integrity of India & deny any possibility of secession like that demanded in USA leading to civil war in 1865, ~~the~~ it was added.

The federation in India has however provided ample autonomy & space to Indian states via Article 246 — State list.

The unique model of federalism thus developed in India was referred to as "federation sui-generis".



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A.L. Indian constitution is among the few constitution in the world which gives provision regarding administrative structure eg. Art 309 - 311.

Its influence of Indian administration can be seen in

a) Guiding principles of the administration — in directive principles of state policy (Part IV) as well as fundamental rights (Part III) providing limitations.

b) All India Services — provisions regarding its independence, appointment etc. (Art. 308 - 311)

c) Supremacy of Parliament & Political Executive

Through acceptance of Parliamentary democracy where executive decides policies & laws formulated by legislature.

d) Accountability & control over Administration by Judiciary through Judicial review

e) Aim of Indian administration — public welfare enunciated in Directive Principles.

f) Organisation of Administration — ~~3 categories~~ Council of Ministers etc.

Indian administration thus is in the process of being shaped according to the constitutional provision ~~between~~ This is because it inherited a colonial legacy in its structure & functioning & constitution provides the path & ~~its~~ end goal of the reform.

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A-3 With the rapid globalisation, the nations are intimately connected & affected by each other. Thus global constitutionalism is being evolved to guide the nation actions & conduct eg such as R2P doctrine etc.

The constitution of India is forward looking as it prescribes the value premises which are being recognised as part of this global constitutionalism

a) Liberty, Equality & freedom → enshrined in fundamental (Human Rights) rights & necessary in interaction of nations

b) Welfare State – aimed at empowerment of the people & promoting equity (Directive Principles)

c) The separation of power & checks & balances as witnessed by the continuous calls for a multipolar world & condemnation of unilateral aggression

d) Decentralisation of power → eg Art 243 The constitution expressly directs the Indian State to work toward international peace & stability (Art. 51).

More Answer

The values though have evolved in their interpretation over the years due to global constitutionalism -

1) Socialism – shift from inward looking & state control to market mechanisms & facilitative state

2) Economic sovereignty – allowing compromise as part of becoming a partner in world order based on just & equitable relations eg WTO, IMF



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A.4. Parliament as the house of elected representative is the institution representing the hopes & aspiration of the entire nation & thus has a supreme position in our structure

It is thus expected to be

a) guided by debates & discussion to arrive towards consensus on issues
b) Display dignity in its conduct appropriate to its status.
c) Represent diverse views by different parties & focus on their integration
d) Act as a check on the executive

In practice, the independence of Parliament has been compromised as seen by:-

1) Regular disruptions affecting discussion. eg. 20% bills since 2009 debated for less than 5 minutes
2) Low attendance & participation ~ 17% MPs in 15th Lok Sabha had less than 50% attendance
3) Delegation of majority party denying adequate space to opposition - eg. rejection of leader of opposition

This has resulted in it becoming an extension of party. The reasons are

1) Anti Defection laws - use of whips to silence dissension on regular issues eg. Telangana issue
2) Large number of parties with low time for discussion
3) Politicisation of criminals

The Parliament needs to reassert its independence through reforms empowering it to function in effective & unbiased manner :-

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1) Fixing the number of days for meeting & penalties
2) Ensuring adequate discussion on bills, budgets through effective use of committees.

4

Discuss why & how should these be done?



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A.5. Cabinet Secretariat (CS) & Prime Minister Office (PMO) are important staff agencies having significant influence in policy formulation due to their contact with executive.

They both have similar staff function like information

a) Rendering advice on important issues & topics for PM & Cabinet

b) Coordination among ministers of Cabinet

c) Monitoring over implementation of decision

Their role however differs because of the authority they report to:

1) Cabinet Secretariat is required to facilitate the Cabinet functioning & thus involved in decision of Cabinet ministers individually & collectively

2) PMO because of its association to Prime Minister has to focus on issues specific to him.
Thus it differs from CS as

i) Its role comes in picture whenever PM role assumes significance over Cabinet - eg. Nuclear Deal with USA

ii) Foreign policy because of PM role

iii) When Cabinet unable to agree or coordinate PM steps in.

The PMO & CS thus have a separate perspective but their roles clash due to PM presence in Cabinet.

Thus their actual power & functioning is determined by functioning & authority of PM. eg. strong PM like Indira Gandhi etc. result in

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PMO influence increasing vis-a-vis CS

More difficult

Ans 4

Ans 11. India is riddled with pervasive corruption in its administrative & social life due to an ineffective implementation of Rule of Laws & society culture tolerant of it.

Transparency internation rates India 71 in its corruption index with more than 50% of its population admitting to giving bribe atleast once.

Corruption has been advocated as desirable on various grounds:-

1) Efficiency – It increases the bureaucracy efficiency in its work through incentives leading to faster decisions & file clearance

2) It allows each position to garner wages adequate to its role. eg. Civil services in India is underpaid at higher level compared to counterparts in other countries like Singapore, UK etc.

3) Social leveller – money consideration help citizens & other business class overcome caste & other social prejudices

eg. Dalit businessmen may be otherwise denied fair treatment because of social prejudices

4) Its pronalance in high growth countries like China, USA – top levels enabling their MNC's to grow rapidly.

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These however represent a simplistic view of corruption which can't be considered as desirable.

Issues

1) Inequality increases — as only the rich are able to access the state & its services
eg. rapid rise in number of billionaires since 1991 with high levels of poverty — 37% in 2005

2) Efficiency is lost due to
a) Bureaucrats & minister rent seeking activities take away the monetary benefits to public at large
b) It may result in misallocation of resources
eg. Coal mining scam — led to high power tariffs for people, loss of revenue to state due to overmining & inefficient mining by captive owners

3) Human Rights denied — by denying the poor access to basic services essential to development
eg. MGNREGA — average work days only 45 compared to 100 & large number of ghost beneficiaries

4) Instead of social levelling, there is sanskritisation of administration, with formation of elites in vulnerable classes who then align with ruling class
eg. pervasive corruption in Indian administration at all levels despite reservation policy

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5) Corruption also begets corruption due to 'conspicuous consumption'.

6) Even in high growth countries strict anti corruption campaigns being taken up eg. China.

Corruption thus weakens the state in carrying out its aims of ensuring equity & development & thus needs to be eliminated.

Measures

1) Structural changes – a) Lokpal : empowered (ie independent,
b) Citizen Grievance Redressal – legal accountability for service
c) Justice system – strengthening

2) Behavioural Change
a) Code of ethics for bureaucrats & ministry
b) Community level awareness of its implications

16.5

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A.12. Doctrine of checks & balance requires legislature to ensure public money is spent by executive for public welfare in fair & transparent manner.

It has been provided instruments for control over finances like budget approval, PAC etc.

The control however is ineffective as :

1) Budget – There is inadequate discussion & analysis of budgets due to disruptions

eg. 2014 - interim budget ~~passed~~ guillotined due to disruption over Telangana.

~~2) Public Account Ham~~

2) Committees – like PAC, estimates committee etc. are ineffective as :

i) PAC only able to cover small number of audit paras of CAG report due to time constraint. Similarly Estimates committee also cover 5-10 departments only

ii) Party politics affect their functioning, eg PAC ~~is accused~~ controversy over 2G scam with probes by its members due to biased functioning

iii) Members not appointed according to expertise.

3) Delegated legislation – large amount of money spent without effective supervision

eg. UIDAI - 5000 crore spent without law through approval in budget grant

4) Budgeting system is primarily since budgets ~~are~~ which doesn't allow proper scrutiny & accountability. Outcome budgeting not yet properly functioning

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Legislature thus needs to improve its effectiveness by

1) Committees – a) PAC & Estimate Committee to identify department at beginning of year & delegate the rest to Department standing committees
b) Creation of specialist secretariat to assist Estimate committee & Department committees.
c) Member selection based on experience & experts

2) ~~Budget~~ a) Increasing tenure – 3 years (Panchhi)

2) Budget.
a) Reducing guillotine by ensuring proper discussion
b) Outcome budgeting properly implement. through training

3) Financial Management System
a) Accrual based accounting introduced
b) Information system (Core Accounting system) implement at earliest.

Legislature thus needs to adapt to current environment & use organizational methods & technology to improve control.

11.5



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A.13. The election for 16th lok Sabha saw an estimated expenditure of 30,000 crore & violence in pockets, evidence of continuing influence of money & criminals in elections

Law & order machinery is mandated to maintain order & ensure Rule of law. It thus can be said that it has been ineffective in accomplishing

This was compounded by large selection of criminals (34%) to lok Sabha & this percentage has only increased over last decade

Law & order machinery has proved ineffective in tackling this politicization of crime & criminals & Criminalization of politics

Reasons

1) Judiciary - delays in delivering judgements
eg. Tamil Nadu Chief Minister case - 18 years for judgement

2) Police
a) Overworked & underpaid constabulary - ineffective in functioning eg. 106 policemen / lakh (UN norm-222)

b) lack of proper training & capacity building leading to alligation of communal character of police
eg. 92% budget of training to top 2% of police force

c) Criminals becoming ministers / leads to lowering of morale as transfers, promotions affected by them.

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Law & order machinery has had successes like curbing the practice of booth capturing, reducing communalism & violence in several states. These successes are however localised & not sustained.

The focus thus should be on empowering the law & order machinery

Steps taken

a) Judiciary – i) order for trials of MP/MLA completed in 1 year

ii) 7 police reforms ordered (Prakash Singh case) to reduce political interference in police functions

b) MPF scheme – for modernisation of state police forces

These need to be complemented with

a) Behavioural change through sensitivity trainings particularly at lower levels

b) Community policing

c) Political class – ensuring high quality leadership as advised by Supreme Court.

Police reforms

9.5



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A.14. Administrative Reform in India has been unsuccessful in reorienting the administration for development purpose & ridding it of its colonial attitude.

Despite the publically stated intent of various Prime Ministers to reform administration, the approach has been piecemeal & conservative.

The hurdles faced in reforms in India are :-

a) Bureaucracy has assumed an institutional character & resists attempts at decentralisation, transparency etc. Eg. RTI implementation has been diluted by rules like making payment only via DD to discourage it

b) Governance as an agenda has not assumed the top priority particularly in rural areas, eg. woes in 1980s & 90s on Bijli, Paani & subsidies

c) Social division in administration & bureaucracy presents a united focus on improvement.

d) The goals for administrative reform are unclear leading to conflicting interpretation

eg. downsizing bureaucracy or increasing state control

e) Classical administrative thinking prevails with focus on structural changes without taking into account social & psychological factors

eg. decentralisation without ensuring flatter organisation with team based orientation

f) Lack of ensuring electoral reforms as political class themselves to avoid reform for fear of losing power & politicisation of criminals

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The reform approach thus needs to be -

a) Holistic & comprehensive encompassing police, judiciary, electoral & administration

b) Behavioural change & participative management approach

c) Contingency approach to reforms - eg. different structure for regulatory bodies (hierarchical) compared to development oriented bodies (team based).

d) Strong political will with focus on decentralisation while ensuring accountability.

The commonwealth countries like UK, Australia reformed in 1990s due to consensus emerging in political setup & support by the electorate.

India may be having a relatively complex social milieu but as 2014 election show, a consensus has emerged for governance reform which needs to be carried forward.



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A.15. Kautilya referred to an efficient financial administration as backbone of strong state.

A.15 In era of liberalisation, state role has changed to ensuring a facilitative environment which requires developing infrastructure, human capital as well as working with private.

This requires efficient financial management to optimise resource use & enable growth.

Budgets impact fiscal discipline & lay the strategy for sustainable growth. They need to be adapted to changing environment.

Reforms required in budgets

1) Formulation of budgets

a) Top down budgeting — this will allow
   i) Executive to set & implement priorities
      eg. Sanitation, roads
   ii) Reduce & curb wasteful expenditure
   iii) Fiscal discipline

b) Linking budgets with planning process through Medium term framework plans

Budgets & targets linked with plans

c) FRBM Act targets needs to be ensured with strict penalties for deviation & clear situation where allowed (eg. 2007 crisis)
i.e. Revenue deficit - 0% Fiscal Deficit - 3% of GDP

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d) Outcome budgeting

i) Outcomes identified clearly & not reproduce outputs as outcomes
eg. Education — Outcomes are learning levels not schools created

ii) Integrating gender budgeting targets

2) Implementation of budgets

a) ~~Strict~~ Core Accounting System implement to ensure authorization flow down & expenditure recorded when funds actually withdrawn (not when assigned)

b) Monitoring & evaluation systems with people participation
eg. Social Audits, budget discussion in Gram Sabha

c) Accrual based accounting System & ~~Need~~

d) Modified Cash Management System implement to prevent 'March Rush' with limits on monthly & quarterly expenditure

Budgets need to be seen as more than accounting instruments but as tools for effective financial management for achieving objectives

11.5



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A·16. Administrative structure of India needs to evolve according to changing environment of liberalisation, Globalisation to ensure a strong & effective state

ARC-2 has recommended the following reform at Union level.

a) Reorganisation of Ministries & Departments

i) Ministry needs to be redefined as coordinating body composed of several interrelated department.

eg. Transport - include shipping, Road, Aviation, Railways

This ministry will be headed by Cabinet Minister whose number will thus be reduced.

ii) Department

1) The decision making levels on files need to be reduced to maximum 3 (currently 6-7)

2) Flatter structures with focus on team based working.

Answer

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A.17. India adopted a bureaucracy centric model of development post Independence for ensuring rapid & equitable growth.

Bureaucracy was tasked with

a) Management of PSU's

b) Development programs like CDP, IRDP etc.

in addition to its regulatory role.

This however resulted in failure as the bureaucracy's attitude was not transformed from its colonial character. It thus functioned in secretive & elitist manner, treating public as passive beneficiaries.

eg. PSU in 1990's – many suffering huge losses only 5000 core profit against 1.25 lakh crore investment.

Achievement pre 1990

a) Successful transition to democracy with regular elections

b) Initial phase helped building PSU in capital goods like SAIL etc. which laid foundation for future growth

The bureaucracy role in post 1991 was transformed with characteristics like

a) Networked governance with involvement of civil society eg. SHG in Mid day meals



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b) PSU made autonomous with independent boards & greater autonomy

c) Citizen active participation via citizen charter, Social Audits.

~~Document~~

The development process has gains like

a) reduction of poverty to 21% (2013).

b) MGNREGA etc – active civil society participation.

The future lies in carrying on this process further with reforms on fronts like illegal nexus between bureaucracy - politicians, ~~to~~ making bureaucracy more cost conscious etc.

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A.6. The essence of public services is Public welfare. through various services rendered.

Public institutions in their functioning require values to

a) Reconcile the demands of technical nature with public welfare
eg. high tariffs for electricity but ensuring it at subsidised cost for vulnerable sections (equity)

b) Guiding the officers in exercise of discretion
eg. Telecom licenses given at low cost earlier to enable industry to offer services cheaper

c) Providing the framework of conduct for officers i.e. functioning in transparent, equitable, fair manner
↳ This is required as public servants control state resources as public trustees and exercise significant discretion. eg coal resources

Thus public institutions prescribe values for officer & inculcate these through training.

The values to be effective require that
a) Conduct against such values is punished.
eg. dishonest officers dismissed.
b) They evolve with environment adding to desirability
eg. efficiency for civil servants changed with inclusion of value for money, sustainability in addition to equity

Values thus serve as guide lights public servants



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A.7. Indian administration is a colonial legacy & thus retained aspects of its colonial attitude.

Grievance redressal was a major casualty as the administration was used to functioning in secretive manner with no accountability to public.

The development programs initiated post development ~~failed to note~~ provided for Grievance redressal but failed to implement it in reality as:-

1) No legal accountability of administration to citizens prescribed
2) Ineffective enforcement of penalties for officials for negligence, abuse of power
3) Citizens not involved in implementation process

Thus even though institutionalised structure. (the CVC, Directorate of Public Grievance (Cabinet Secretariat) were established they were ineffective.

The recent steps have however made significant improvements by:-

1) RTI - increasing transparency
2) Citizen participation - citizen charters, social audits
3) legal accountability - outcome budgets, RFD for performance appraisal

The need is to implement these reforms in true spirit & across all departments.

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A.8. CRPF & ITBP are paramilitary forces of the Union created for specialised functions

This specialised nature has led to difference between them & police in

a) Training – more extensive
b) Recruitment – higher standards

These forces don't perform the regular police functions like

a) Crime Investigation
b) Magisterial functions like issuing licenses etc.
c) Traffic management

etc.

~~They have thus been called~~
~~Thus the duty committed~~
Thus the use of name 'Police' in their name has been called a misnomer. ~~no the~~ This isn't true as

a) They perform functions of maintaining law & order.
b) ~~to~~ They function under civilian administration while they perform ~~law & order~~ law & order maintenance

This is in contrast to Army whose functioning is more ruthless than police
Thus while CRPF & ITBP do work under Army sometimes in border areas, they need to perform policing functions under certain circumstances

The 'police' word thus ~~to~~ emphasizes the nature of functioning expected from these forces during this functions eg. controlling riots, Naxalites.



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Q.q. NHRC was created by India as part of its commitment to United Nations for a institution dedicated to preserving human rights

Its functioning has not been upto the mark as expected for democracy like India

eg. large cases of trafficking, Custodial deaths by police were taken by Supreme Courts etc.

Issues

a) Inadequate capacity to handle increasing workload

eg. 2010 - 45,000 cases disposed against a 75,000 new cases

b) It has recommendatory power only & can't enforce sanctions & penalties

c) It is located at Delhi, thus not easily accessible to remote areas.

d) Allegation of corruption against its chairman.

e) Restrictive pool for selection with Judiciary & Civil services dominating. lack of encouraging civil society participation.

f) Ineffective SHRC

NHRC was on verge of being downgraded by the international body from its Grade 'A' status in 2013.

The remedy lies in not just empowering the NHRC & making it more representative & participative. There has to be simultaneous focus on strengthening law & order system to reduce the number of grievances.

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Ans. In India it is said that a natural disaster is often followed by man-made disaster due to ineffective response.

This can be seen in Jammu & Kashmir where state response has been negligible in response to floods & there are fears of epidemic now.

Reason

1) Inadequate focus on mitigation & prevention measures
eg: Doppler weather radars were not installed in Uttarakhand prior to floods due to various delays.

2) lack of accountability for non-performance viz dismissal etc. in Uttarakhand for negligence

3) lack of proper planning & implementation at district level despite creation of SDMA & specific objectives.

Thus disasters are allowed to escalate due to administration incompetence.

The example of Orissa however shows that the state is capable of learning & ensure effective disaster management.

The response to Phailin was such that only 80 people died compared to 10,000 in 1999. This was possible due to detailed SOP, engagement with community & political support. This needs to be replicated elsewhere.

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