

# Public Administration

## MODEL ANSWERS



**Q. 1** “Performance Management System” - what does it exactly mean? “It is a potent tool in administrative accountability”. Comment.

**Ans:**

Performance management sys is a framework for better personnel management, which incorporates performance measurement against quantifiable targets, performance linked pay, incentive system, better monitoring and co-ordination to motivate and enhance the morale of the employees. 2nd arc has recommended for this ...in government instead of annual confidential report now performance management needs to be incorporated, ..also Saxena committee talked about it in 2002. Ensures higher performance and better employer-employee relations.... The forces for growth of administrative law come from societal demands not the legal jurisprudence, like philosophy of equity, justice, equality etc. A growth bound phenomena not necessarily ideological.

**Q. 2** “Post-modern organization theories draw heavily from phenomenology, interpretivism and deconstructivism”. Explain.

**Ans:**

Post -modernism is a contemporary approach to view social realities in humanities...it has influenced all the social sciences...it discards grand realities that is universalization of values and meanings, it believes in "beauty is in the eyes of the beholder" i.e. every phenomenon is unique and its interpretation is dependent on the person viewing it.....it believes in deconstructing the realities.. which means accepts diversity of view points and interpretations in pub ad its influence is manifested in the. Contingency or situational approach that does not believe in one size fits all approach...also the literature of blacks burg that talks about post-weberianism and communitarianism is post modern.....

**Q. 3** “Tortuous liability is an instrument of better citizen control over public authorities”. Comment.

**Ans:**

Tortuous liability is related to civil wrong doings by the state or the administrative officials, art 300 of the Indian constitution talks about the liability of the state vis a vis the acts of the officials...in criminal wrong doings the individual liability is ascertained where as in civil cases the state can sue and be sued just like ordinary persons .or legal corporations.. they don't enjoy immunity, except the sovereign like president or the governor...state while performing its sovereign functions like defence, treaties, diplomacy etc. enjoys immunity from litigations....this ensures states function go on smoothly...whereas in civil cases where compensation is the liability..the state is bound by legal provisions, fundamental rights and other terms of the contract....

**Q. 4** “Droit Administratif does not have a separate code for itself like the civil code”. Elaborate.

**Ans:**

Droit Administratif is a French Administrative Law in which a body of Droit Administratif is a French Administrative Law in which a body of rules are framed that determine the organization, powers and duties of public administration (administrative agencies and

---

officials) and regulate the relation of the administration with the citizens of the country. Dicey, in his Law and Constitution (1915) said Droit Administratif is that part of law that

**determines:**

1. Position and liabilities of State officials.
2. Rights and liabilities of private individuals in their dealings with officials as representatives of

**State.**

3. Procedures by which the rights are enforced.

Droit Administratif does not represent the principles and rules laid down by the French Parliament but contains rules developed by judges of the administrative courts. When a conflict arises in regard to Jurisdiction between ordinary courts and Droit Administratif, the matter is decided by Tribunal Des Conflicts. This tribunal contains equal number of judges from ordinary court and administrative courts and is presided over by the Minister of Justice. Droit Administratif does not have a separate code for itself like the Civil Code. The Conseil d' E tat has developed and elaborated the doctrines on its own.

**Q. 5** The perennial question in accountability is "who will guard the guardians". Comment.

**Ans:**

Guarding the guardians is an opinion based question as to what is the mechanism to enforce accountability of the powers that be...people who are enforcing the laws or making or administering the justice....forex judicial accountability bill, or lokpal...in a democracy the question is more pertinent as the representatives are the repository of power in the society ,but they are the agents, and how to make them accountable ,ethical and public spirited ,defines the level and direction of development.. even weber while conceiving of a rational bureaucracy understood the dangers of having a powerful system like bureaucracy however rational it may be...as "power corrupts and absolute power corrupts absolutely" ...elaborate the mechanisms like media, RTI, e-gov, civil society activism.. may go a long way in curbing the tendency to misuse power by the people who have been given the responsibility of using that power for greater good.... .

**Q. 6** "All the discourse of ethics in public life may end up in another justification for governmental failure". Examine.

**Ans:**

What is public ethics and how far is it achievable in the political context.... moral vs professional responsibility....due to variety of forces shaping the growth of society it becomes imminent that public authorities exercise self-restraint and ethical control as any level of formalization has its own pitfalls....though institutional mechanisms like codes, procedures, penalties or sanctions are necessary they may not be enough to curtail the tendency to manipulate public resources for personal gains....but we need to also ascertain that to what extent these moral and ethical frameworks are workable, else they would just become a mere rhetoric and a possibly newer explanation for administrative and political failures rather than providing concrete prescriptions to the problems of corruption, nepotism, etc....theories may explain the deterioration of politico-administration culture but may not be able to counter such aspects of malgovernance ..as proverbially we say "one act is better than thousand intentions"...we need to rationalize the ethical framework through rigorous laws and grievance redressals, zero tolerance to corruption etc than mere discussing about it.