



Mains Practice Question

Q. Analyze with an example, the role of discretion in decision making. (150 Words)

19 Dec, 2019 GS Paper 4 Theoretical Questions

Approach

- Discuss the need for discretion
- Characteristics of discretion
- Show the relation between corruption and discretion
- Need for wise use of discretionary powers

Introduction

The lines separating right from wrong or good from evil are not like the fine lines of geometry. They are broad and deep and permit exceptions. Conventional wisdom, thus, stipulates that the official on the spot alone is best equipped to decide how to achieve the objectives of the policy he/she is trying to implement.

Body

The broad characteristics of discretion cover the following key aspects:

- Discretion embodies some leeway or freedom to independently judge or act.
- Administrative use of discretion also assumes possession of some wisdom and ability to carefully make adjustments of one's actions as circumstances dictate or require.
- Civil servants are considered as the backbone of administration as they perform important functions in the public sphere which requires wielding of immense powers with freedom and discretion to make decisions.
- The problem with discretionary powers lies in its widespread abuse. For eg., Use of discretionary power by T N Seshan who was Chief Election Commissioner enthused a new life in the Election Commission. On the other hand, the discretionary power has often been used by corrupt officials for their personal gain, for eg, an officer granting tender to a known person.
- Opportunities for corruption are greater in a system with excessive discretion in the hands of the officials, particularly at the street-level bureaucracy. Such tendencies can be minimized by reducing discretion and maximizing transparency in the system and introducing strict accountability for actions. The most successful anti-corruption reforms are those that seek to reduce discretionary benefits, which are controlled by public officials.

Conclusion

- It must also be accepted that the existing framework for maintaining and promoting the norms of 'right conduct' cannot be enforced through rigid mindless enforcement of laws and rules. It is all a question of striking the right balance. Within the civil services, there are formal, enforceable codes setting out norms of expected behaviour with 'sanctions' prescribed for unacceptable departures from such norms.
- Discretion is a tool only when properly used; like an axe, otherwise, it is a potential weapon for mayhem. When public administrators make use of their discretionary powers, it should be very

reflective of the intentions of their departments/organizations and in essence that of the government.

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