

**B.A Human Resource Management**

**Complimentary Course**

**Semester I**

**Indian Administration**

**PUB1(2) C01**

**Compiled by: Department of Political science**

**Little Flower College Guruvayoor**

## **Complementary Paper**

### **PUB1(2) C01- Indian Administration**

**Credits :4**

#### **Course Learning Outcomes:**

CO 1- Examine the evolution of Indian Administration

CO2- Evaluate the administration at the Union Level

CO3- Evaluate the administration at the State Level

CO4- Evaluate the administration at the District Level

CO5- Explain and evaluate constitutional and structural mechanisms of Civil Service in India. Course Content

#### **Module I: Evolution of Indian Administration:**

Kautilya's Arthashastra; Mughal administration, British Legacy, Administrative Reforms Commissions.

#### **Module II: Administration at the Union Level:**

President, Vice-President, Prime Minister, Council of Ministers, Central Secretariat, Cabinet Secretariat, PMO,

#### **Module III: Administration at the State Level:**

Governor, Chief Minister, Council of ministers, Chief Ministers Office, Secretariat, Chief Secretary

#### **Module IV: District and local Administration:**

District Collector: Changing role, Local Governments; Rural and Urban

## **Module V: Civil Service in India:**

Structure of Civil Service, Constitutional position, All India Service, Central Services  
State Services, Recruitment Agencies - UPSC, SPSC & Staff Selection Commission

### **Reading List**

Austin Granville, The Indian Constitution, Corner Stone of a Nation, Oxford: Clarendon Press, 1966.

Anurud Prasad, Centre and State Powers Under Indian Federation, New Delhi: Deep & Deep Publications.

Bombwall, K.R, Government and Politics in India, Ambala Cantt.: Modern Publications, 1981.

B.K. Gokhle, The constitution of India and Its Working, Meerut City: Educational Publishers

B.L. Fadia, Indian Government and Politics, Agra: Sahitya Bhawan, 1992.

D.D. Basu, Constitutional Law of India, Bombay: Prentice Hall of India, 2015

B.L. Fadia, Indian Government and Politics, Agra: Sahitya Bhawan, 1992.

S.C. Dube (Ed.), Public Services and Social Responsibility, New Delhi: Vikas, 1979.

Morris-Jones, W.H., The Government and Politics in India, Bombay: B.I. Publishing, 1971.

M.V. Pylee, Indian Constitution, Madras: Vishvanathan Publishers, 1985.

Palmer-Norman, D., Elections and Political Development, New Delhi: Vikas, 1976.

Shiva Rao., The Framing of Indian Constitution, Bombay: N.M. Tripathi & Co., 1969

# Module I

## Evolution of Indian Administration

### KAUTILYA'S ARTHASHASTRA

The Arthashastra is a treatise on politics, economics, military strategy, state function, and social organisation attributed to the philosopher and Prime Minister Kautilya (also known as Chanakya).

The Sanskrit title, Arthashastra, can be translated as "political science" or "economic science" or simply "statecraft". It includes books on the nature of government, law, civil and criminal court systems, ethics, economics, markets and trade, the methods for screening ministers, diplomacy, theories on war, nature of peace, and the duties and obligations of a king. The text incorporates Hindu philosophy, includes ancient economic and cultural details on agriculture, mineralogy, mining and metals, animal husbandry, medicine, forests and wildlife.

The Arthashastra explores issues of social welfare, the collective ethics that hold a society together, advising the king that in times and in areas devastated by famine, epidemic and such acts of nature, or by war, he should initiate public projects such as creating irrigation waterways and building forts around major strategic holdings and towns and exempt taxes on those affected.

*Arthashastra* is divided into **15 book titles, 150 chapters and 180 topics**, as follows:

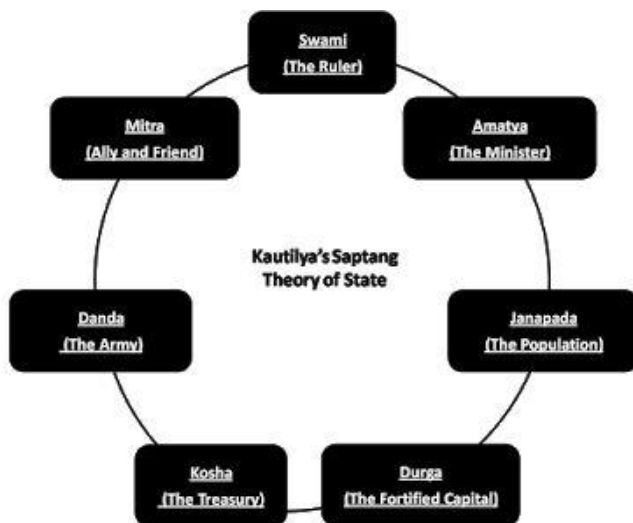
1. On the Subject of Training, 21 chapters, Topics 1-18
2. On the Activities of Superintendents, 36 chapters, Topics 19-56 (largest book)
3. On Justices, 20 chapters, Topics 57-75
4. Eradication of Thorns, 13 chapters, Topics 76-88
5. On Secret Conduct, 6 chapters, Topics 89-95
6. Basis of the Circle, 2 chapters, Topics 96-97
7. On the Six fold Strategy, 18 chapters, Topics 98-126
8. On the Subject of Calamities, 5 chapters, Topics 127-134
9. Activity of a King preparing to March into Battle, 7 chapters, Topics 135-146
10. On War, 6 chapters, Topics 147-159

11. Conduct toward Confederacies, 1 chapter, Topics 160-161
12. On the Weaker King, 5 chapters, Topics 162-170
13. Means of Capturing a Fort, 5 chapters, Topics 171-176
14. On Esoteric Practices, 4 chapters, Topics 177-179
15. Organization of a Scientific Treatise, 1 chapter, Topic 180

Though government machinery and various aspects of personnel administration were dealt with in these chapters, the focus of attention was on the duties of the King, or, what Chanakya called Rajdharma. The first section is concerned primarily with how the King must proceed if he is to choose competent and reliable ministers and set up effective internal and external security systems. While the second chapter deals with political and economic regulatory agencies, the next two focus on family regulations, criminal justice and norms of public service. The rest of the Arthshastra take up other issues of state and sovereignty, international relations and war. In brief, the Arthshastra deals with the political, social and economic management of the state.

### THE SAPTANGA THEORY

In his Saptanga Theory, Kautilya enumerates seven prakritis or essential organs of the state. They are **Swamin, Amatya, Janapada, Durga, Kosha, Danda and Mitra.**



### **1.The Swamin (King)**

Kautilya gives extensive powers to the king, along with an extensive list of duties which he must perform for the welfare of his people. Firstly, the king should preferably belong to the nobility, **be a native of the land and follow the teachings of the Shashtras. Emphasis is laid on the King's training in philosophy, economic sciences and political science, therefore expecting every King's legitimacy to rest on education and training. The King's foremost duty is rakshana (protection) and palana (nurture) of his subjects.** The king was the head of civil, judicial and military administration. Appointments to the most important offices were to be made by him, though a rigorous method of training was also mandatory for his civil and military personnel in order to be trained for their tasks. The King would lay down the broad outlines of public policy and protect the social order based on the varnashramas.

### **2.The Amatya (Ministers)**

The king rules through an elaborate administrative machinery. Amatya stands for the higher echelons of administration who form an inner cabinet. The Prime Minister and the High Priest are the most important ministers. In times of emergency, Kautilya asks the king to consult the members of a wider council of ministers. The Inner Cabinet assists the king to appoint the ministers and the executive heads of departments. The important ministers in Arthshastra include the priest, the prime minister, the commander of the Army, the Treasurer General and the Collector General.

### **3.The Janapada (Territory/People)**

This refers to the citizens settled in the territory of a nation. Kautilya points out that the territory of the state should be devoid of rocky, saline, uneven and thorny tracts, be free from wild beasts and abound in fertile lands, timber and elephant forests. The land should be watered by rivers and there should be suitable places for establishing villages and cities and should be provided with all means of communication. The people should be industrious and followers of dharma. The king has to protect both land and the people from external aggression and make all possible efforts to promote the economic prosperity of the state.

#### **4.The Durga (Fort)**

Durga is the fourth element of the state and it literally means a fortress. Kautilya has referred to only four types of durgas, they are as under: audaka durga (surrounded by water), parvata durga (made of rocks) dhanvana – durga (surrounded by desert) and Vana – durga (surrounded by forests). The first two type of durgas were useful for protecting Janapada in case of emergency and the following two types provided shelters to the king in the event of any emergency. It has also been said that on the frontiers of Janapada on all four sides the king should get such natural forts erected which may be suitable particularly from the defense point of view.

#### **5.Kosha (Treasury)**

This is the fifth most important element. All the activities of the state depend on finance and therefore foremost attention should be given to the treasury. The state treasury should be a permanent source of revenue for the state. The king is advised to take one sixth of the produce and there must be sufficient reserves of currency and valuable minerals like gold. In case of emergency, particularly in times of war, the king was at liberty to collect heavy taxes from his subjects. The chief sources of income of the state were the King's share of the land produce, customs duties and the amount collected as fines. The main tax payers were the farmers, traders and artisans.

#### **6. Danda (Military/Punishments)**

The King should have at his command a strong military force. The army ought to be well versed in military arts, contended and therefore loyal and patriotic. The soldiers recruited in the army must belong to one these seven categories maula (recruited on hereditary grounds) bhartaka (paid) shreni (well trained) mitra (soldiers of friendly kings) amitra (soldiers of conquered or hostile territories) atavika (tribal soldiers) or autsahika (leaderless and invaders). The kshatriyas are best for military service and the senapati (commander in-chief) should generally belong to this caste. Under him, there are two branches, one in charge of actual defense forces controlling strategy and tactics on the field and the other in charge of supplies. A good fighting and loyal army is an invaluable asset to the King.

## **7.Mitra (Allies)**

The last element mentioned by Kautilya is mitra or allies and friends in need. Kautilya describes six type of friends i) traditional ii) permanent iii) those who could exercise restraint upon themselves iv) not of hostile attitude v) endowed with courage and ability to offer worthy advice and vi) those who could help in times of need. A friend (inside or outside the state) equipped with all these qualities was indeed a real friend. It was indispensable for a king to make friends and enjoy the confidence of allies in order to achieve the goal of a prosperous state. Each of these seven components are organically linked. The king however remains the most important of all the prakritis.

## **PRINCIPLES OF PUBLIC ADMINISTRATION**

Kautilya attempts to elaborate on general principles for the running of public administration in a state. These principles can be grouped in two sets; one embodying the essential attributes of the state and the other linked to the operational principles of administration.

### **1.The principle of authority:**

The essence of administration is along with obedience and discipline. People consisting of four castes and four orders of religious life will keep to their occupations and duties when the king guides them with due authority. Authority is obeyed by the people on account of sanctions backed by a series of punishments.

### **2.The principle of unity of command:**

Unity of command and direction is maintained because of the king's authority. This is not merely for the purpose of security of the King's person, but also for the purpose of maintaining the integrity and stability of administration against internal dissension and external aggression. Kautilya outlines an elaborate system of spying and allurements. All member of the bureaucracy derives their authority from the King, stand before the people as representatives of royal authority, and are ultimately responsible to the king. This is evident from the reference in Arthshastra to the enforcement of orders, the sending of writs and the procedure of forming royal writs. As for the stability of command, Kautilya's preference is clearly towards a hereditary monarchy which he believes also helps in the continuity of the principles of governance and administration.



### **3.Principles of motivation:**

Arthshastra identifies four different methods of motivation, viz, **sama, dama, danda and bheda**. Sama is the persuasion method, dama is the incentive method, bheda is the internal competition method and danda is the punishment method of motivation. The bureaucracy can be enthused by any one method or a mix of various combinations of these methods. Government servants are to be enthused to activity by a sense of responsibility towards the people. The state motivates them with adequate salary, pension and permanent service. He underlines a series of qualities, for officers holding different positions of responsibility.

The second set of principles – **division of labour, coordination of administration, hierarchy** – governs the machinery of administration. All are needed for the smooth running of government. The principle of coordination automatically evolves out of the principle of division of labour.

### **CENTRAL ADMINISTRATIVE MACHINERY**

The King is the chief executive and the ministers are selected by the King on the basis of their qualities and they are individually responsible only to the monarch. The King, the Prime Minister, the High Priest and a chosen few form the Inner Cabinet whereas there is a larger body known as the Council of Ministers.

Kautilya categorises the amatyas, mantrins and heads of departments into 18 tirthas. They are:

- ⌘ Mantrin – Minister
- ⌘ Purohita – Priest
- ⌘ Senapati – Commander of the Army
- ⌘ Yuvaraja – Prince
- ⌘ Dauvarika – Chief of Palace Attendants
- ⌘ Antarramsika – Chief of the King's Guards
- ⌘ Prasastr – Magistrate
- ⌘ Samahatr – Collector General
- ⌘ Samnidhatr – Chief Treasurer
- ⌘ Pradestr – Commissioner

- ⌘ Nayak – Town Guard
- ⌘ Paur – Chief of the Town
- ⌘ Karmanta – Superintendent of Mines
- ⌘ Mantri Parishad Adhyaksa – Chief of the Council of Ministers
- ⌘ Dandpala – Officer of the Army Department
- ⌘ Durgapal – Guardian of the Forts
- ⌘ Antapala – Officer-in-charge, Boundaries
- ⌘ Ativanika – Officer-in-charge, Forests

The major departments of administration were Revenue, Exchequer, Stores, Armoury, Prisons, Accounts, Agriculture, Mines, Metals, Forest, Cattle, Shipping, Commerce, Customs, Intelligence, Religions Institutions, Excise, Weights and Measures etc.

## **LOCAL ADMINISTRATION**

Urban and Rural Another distinctive feature of the administrative system is the marked preference for a decentralized polity. There are indications that a Janapada is to contain 800 gramas with a sthanika at its centre. It is also mentioned that a Samahartr (Collector General) should divide the Janapada into four divisions for revenue and administrative purposes. Under the sthanika, there are junior officers called gopas each in charge of five or ten villages. With their help, the samahrta is to maintain a record of all towns and villages. The gopa is responsible for maintaining a record of all agricultural and other holdings in the village, census etc. For maintaining order, the samahrta has the pradestrs who are stationed at the headquarters of the gopa and sthanikas. They operate both as revenue and police officers.

Next down the hierarchy is the village headman who is referred to as the gramika. Power in the rural areas was to be centred in the hands of the samaharta with subordinates spread over the country side. Decentralization in Arthshastra was for administrative convenience and efficiency alone. One cannot deduce a notion of village democracy from a reading of the scheme.

## **PERSONNEL ADMINISTRATION**

Arthshastra gives great attention to the education and training of the King and the princes. Kautilya lays down a series of qualities, differing in number and order of officers holding different positions in the administrative hierarchy. The important competencies can be broadly classified as

- i) technical competence
- ii) decision making skills particularly during times of emergency
- iii) communication skills
- iv) interpersonal behavioural competence
- v) strength of character.

Though the word 'recruitment' is not really used, Kautilya prescribes qualifications for each post which goes to prove that certain basic qualifications were made mandatory for entry into government service e.g. a prince is asked by Kautilya to study science and to observe its precepts under the authority of specialist teachers. All major appointments were made by the King himself or assisted by the Inner Cabinet.

## **LEGAL ADMINISTRATION**

Administrative courts consisting of three persons proficient in Dharmshastras and three ministerial officers in the administration of law are mentioned in Arthshastra. A hierarchy of courts - from the court catering to a group of ten villages rising up to the King's court is to be maintained. Arthshastra contains references to a Code of Law. The code is set forth under 17 heads, including marriage, property, slaves, theft, injury and assault. There are four bases of law – dharma (sacred law) vyavahara (evidence) charitra (history) and rajasasana (King's edicts). In case of conflict, edicts override other bases. Judges should be knowledgeable, discerning, kind, balanced and incorruptible. Courts are of 2 types, civil and criminal. Arthshastra contains an elaborate scheme of punishment for all kinds of officers to be followed in courts of law.

## **FINANCIAL ADMINISTRATION**

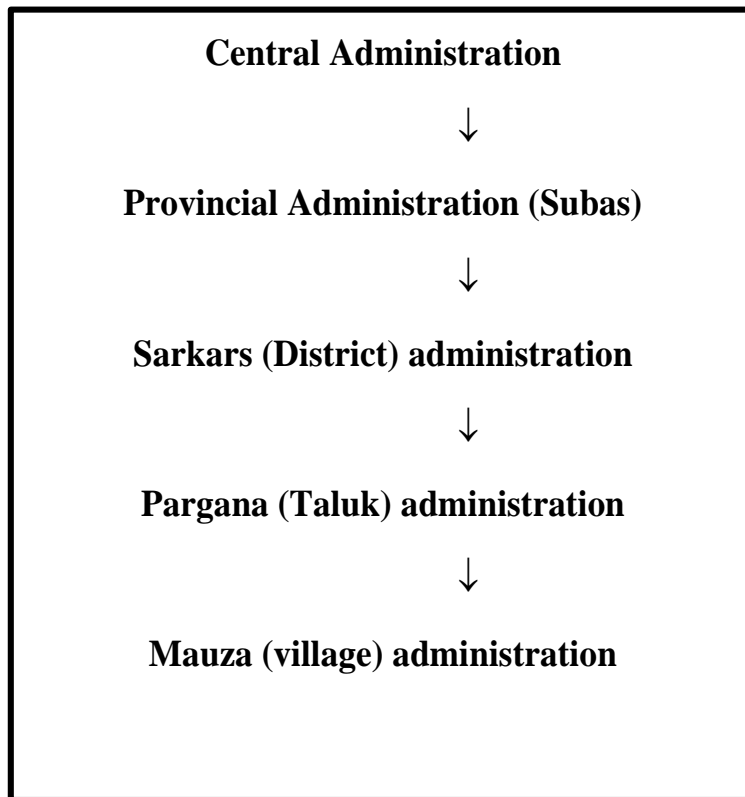
A great deal of attention has been paid to financial administration in the Arthshastra. All undertakings depend on finance; hence foremost attention was paid to matters relating to the Treasury. Revenue generation and enhancement of the wealth of the nation were the primary tasks of the king. Loan, fabrication of accounts, self-enjoyment, barter and defalcation are the

causes that tend to deplete the Treasury. Increasing revenue was essential in retaining the support of the King's army and preventing it from going over to the enemy. The details of a modern budgeting system as a means to monitor the performance of various departments is given in Arthshastra. The concerned officer shall communicate the real nature of the work of his department together with the income and expenditure in detail and in the aggregate. In case the expenditures exceed the budgeted grants, the official is personally liable to bear the excess expenditure. Both revenues and expenditures were classified according to various parameters such as heads of income, source, period, quantity etc. This is geared towards monitoring of the 12 revenues and expenditures as well as the other details associated with them. In addition to the financial information and control system, there is a very detailed audit and internal control system. A separate office of records and accounts and audit is assigned for this purpose. Arthshastra classified 67 sources of revenue, based predominantly on land, and grouped them under seven heads, resting essentially on the location of the activities and individuals concerned subject to taxation; e.g. those found in fortified and urban areas and those found in rural situations, those found at sites of minerals, or in pastoral, forest, or intensely cultivated areas and those situated along traffic carrying roads and waterways. Kautilya also named seven forms of revenue by type. He divided the kingdom into four districts, distinguished the urban centres from the villages, and classified the villages according to size and nature of tax liability.

## **MUGHAL ADMINISTRATION**

The Mughal empire had Pan-Indian character. Babur and Humayun for reasons of their brief reign and that of being busy in military matters could not concentrate on establishing a definite system or pattern in administration. By the end of Akbar's reign, we find establishment of elaborate offices with assigned functions to the heads of offices. The rules and regulations guiding both their public and private conduct had all been fixed so that the officers were converted into what can be termed the Apparatus of the Empire.

The Mughal administrative hierarchy was as shown below,



### **CENTRAL ADMINISTRATION**

#### **The Emperor**

The ancient Indian traditions had always supported a strong ruler. The Muslim jurists and writers also held the same view. Thus, the concept of divine origin of monarchy could easily find credence among the Indian people. It is not surprising that the Mughals publicised their

jharokha darshan with great deal of pomp and show in which the emperor appeared at an appointed hour before the general public, though myth being that a mere look of his majesty would redress their grievances. With such popular perception of the ruler, it is obvious that all officers in Mughal administration owed their position and power to the Emperor. Their appointment promotion, demotion, and termination were subject to the ruler's personal preference and whims.

### **Wakil and Wazir**

The institution of wizarat (or wikalat since both were used interchangeably), according to some accounts, can be traced back to the Abbasi Caliphs and Under the Delhi Sultans. The 'Wakil' enjoyed both civil and military powers. The 'Wazir' or high diwan was the highest officer of the revenue department.

### **Diwani Kul**

We have already seen how Akbar strengthened the office of the diwan by entrusting the revenue powers to the diwan. The chief diwan (diwani kul) was made responsible for revenue and finances. His primary duty was to supervise the imperial treasury and check all accounts. He personally inspected all transactions and payments in all departments. He maintained direct contact with the provincial diwans and their functioning was put under his vigil. His seal and signatures were necessary for the validation of all official papers involving revenue.

### **Mir Bakhshi**

He was the Commander in chief of the army .All orders of appointments of mansabdars and their salary papers were endorsed and passed by him. He personally supervised the branding of the horses (dagh) and checked the muster-roll (chehra) of the soldiers. On the basis of his verification, the amount of the salary was certified. He dealt directly with provincial bakhshis and waqainavis. He accompanied the Emperor on tours, pleasure trips, hunting expeditions, battlefield, etc. His duty was to check whether proper places were allotted to the mansabdars according to their rank at the court.

### **Mir Saman**

The mir saman was the officer incharge of the royal karkhanas. He was also known as khan saman. He was the chief executive officer responsible for the purchase of all kinds of articles and their storage for the royal household. Another important duty was to supervise the

manufacture of different articles, be it weapons of war or articles of luxury. He was directly under the Emperor but for sanction of money and auditing of accounts he was to contact the diwan.

### **Sadr-us Sudur**

The sadr-us sudur was the head of the ecclesiastical department. His chief duty was to protect the laws of the shari' at. He was also connected with the distribution of charities - both cash (wazifa) and land grants (suyurghal, in'am, madad-i ma'ash). Initially as the head of the judicial department. He also looked into whether the grants were given to the right persons and utilized properly. He scrutinized applications for all such grants, both fresh and renewals, and presented before the Emperor for sanction. Alms were also distributed through him.

### **Qazi-ul quzzat**

The chief qazi was known as qazi-ul quzzat. He was the head of the judiciary. His principal duty was to administer the shariat law both in civil and criminal cases. In the capacity of the chief qazi, he looked into the appointment of the qazis in the suba, sarkar, pargana and town levels. There was a separate qazi for army also.

## **PROVINCIAL ADMINISTRATION (Subas/States)**

In 1580, Akbar divided the Empire into twelve subas (later on, three more were added). Each suba was divided into a number of sarkars and these were further divided into parganas and mahals. During Shah Jahan's reign, another administrative unit chalda came into existence. It was a cluster of a number of parganas.

### **Provincial Governor**

The governor of a suba (subadar) was directly appointed by the Emperor. Usually the tenure of a subadar was around three years. Among the duties of the subadar, the most important one was to look after the welfare of the people and the army. He was responsible for the general law and order problem in the suba. A successful subadar was one who would encourage agriculture, mule and commerce. He was supposed to take up welfare activities like construction of gardens, wells, water reservoirs, etc. He was to take steps to enhance the revenue of the state.

### **Diwan**

The provincial diwan was appointed by the Emperor. He was an independent officer answerable to the Centre. He was the head of the revenue department in the suba. The provincial diwan supervised the revenue collection in the suba and maintained accounts of all expenditure incurred in the form of salaries of the officials and subordinates in the suba.

### **Bakhshi**

The bakhshi was appointed by the imperial court at the recommendation of the Mir bakhshi. He performed exactly the same military functions as were performed by his counterpart at the Centre. He was responsible for checking and inspecting the horses and soldiers maintained by the mansabdars in the suba. He issued the paybills of both the mansabdars and the soldiers. It was his duty to prepare a list of deceased mansabdars.

### **Darogha-i Dak**

Developing a communication network was very essential to govern a vast Empire. A separate department was assigned this important task. The imperial postal system was established for sending intimations to the far-flung areas of the Empire. The same channel was used for receiving information. At every suba headquarters, darogha-i dak was appointed for this purpose. His duty was to pass on letters through the postal runners to the court. For this purpose, a number of dak chowkis were maintained throughout the Empire where runners were stationed who carried the post to the next chowki. Horses and boats were also used to help in speedy delivery.

### **waq'ai navis**

At the provincial level, waq'ai navis and waqai nigars were appointed to supply the reports directly to the Emperor. Besides, there were also sawanih nigar to provide confidential reports to the Emperor.



## **LOCAL ADMINISTRATION**

In this section, we will discuss the working of administration at the Sarkar(district), parganas(Taluk) and mauza (village) levels.

### **Sarkars (District) administration**

At the sarkar level, there were three important functionaries, the faujdar, Amalguzar and Thanedar.

#### Faujdar

He was the executive head of the sarkar. But his area of influence seems more complex. He was not only appointed at the sarkar level, but sometimes within a sarkar a number of faujdars existed. At times their jurisdiction spread over two full sarkars. We hear different faujdan appointed to chaklas as well. It seems his duty was mainly to take care of rebellions, and law and order problems. His jurisdiction was decided according to the needs of the region. His primary duty was to safeguard the life and property of the residents of the area under his jurisdiction. He was to ensure safe passage to traders within his jurisdiction. As the chief executive of the region, the faujdar was to keep vigil over the recalcitrant zamindars. In special circumstances, he was to help the amalguzar in matters of revenue collection.

#### Amalguzar

The most important revenue collector was the amil or amalguzar. His primary duty was to assess and supervise the revenue collection through other subordinate officials. All accounts were to be maintained by him. Daily receipts and expenditure reports were sent by him to the provincial diwan.

#### Thanedar

The thana was a place where army was stationed for the preservation of law and order. They were to arrange provisions for the army as well. These thanas were established specifically in disturbed areas and around the cities. Its head was designated as thanedar. He was

appointed at the recommendation of the subadar and diwan. He was generally placed under the faujdar of the area.

### **Pargana (Taluk) administration**

The parganas were the administrative units below the sarkar. The shiqqdar was the executive officer of the pargana and assisted the amils in revenue collection. The amil looked after the revenue collection at the pargana level also. His duties were similar to those of the amalguzar at the sarkar level. The qanungos kept all the records pertaining to the land in his area.

### **Mauza (village) administration**

The village was the lowest administrative unit. The muqaddam was the villageheadman while the patwari took care of the village revenue records.

## **TOWN, FORT AND PORT. ADMINISTRATION**

To administer the cities and ports, the Mughals maintained separate administrative machinery.

### **Kotwal**

For urban centres, the imperial court appointed kotwals whose primary duty was to safeguard the life and property of townsmen. He may be compared to the present day police officer in the towns and cities. The kotwal was also to maintain a register for keeping records of people coming and going out of the town. Every outsider had to take a permit from him before entering or leaving the town. The kotwal was to ensure that no illicit liquor was manufactured in his area. He also acted as superintendent of weights and measures used by the merchants and shopkeepers.

### **Qil'adar**

The Mughal Empire had a large number of qilas (forts) situated in various parts of the country. Many of these were located at strategically important places. Each fortress was lie a mini township with a large garrison. Each fort was under the officer called qil'adar.

### **Port Administration**

The Mughals were aware of the economic importance of the sea-ports as these were the centres of brisk commercial activities. The port administration was independent of the

provincial authority. The governor of the ports was called mutasaddi, who was directly appointed by the emperor. Sometimes the office of the mutasaddi was auctioned and given to the highest bidder. The mutasaddi collected taxes on merchandise and maintained a custom-house. He also supervised the mint house at the port. The shahbandar was his subordinate who was mainly concerned with the custom-house.

## **BRITISH LEGACY**

The British came to India in 1600 as traders, in the form of East India Company, which had the exclusive right of trading in India under a charter granted by Queen Elizabeth. In 1765, the Company, which till now had purely trading functions obtained the 'diwani' (i.e., rights over revenue and civil justice) of Bengal, Bihar and Orissa.<sup>1</sup> This started its career as a territorial power. In 1858, in the wake of the 'sepoy mutiny', the British Crown assumed direct responsibility for the governance of India. This rule continued until India was granted independence on August 15, 1947.

With Independence came the need for a Constitution. Hence, a Constituent Assembly was formed for this purpose in 1946 and on January 26, 1950, the Constitution came into being. However, various features of the Indian Constitution and polity have their roots in the British rule. There were certain events in the British rule that laid down the legal framework for the organisation and functioning of government and administration in British India. These events have greatly influenced our constitution and polity. They are explained here in a chronological order under two major headings:

1. The Company Rule (1773 – 1858)
2. The Crown Rule (1858 – 1947)

### **1.Regulating Act of 1773**

This act was of great constitutional importance as (a) it was the first step taken by the British Government to control and regulate the affairs of the East India Company in India; (b) it recognised, for the first time, the political and administrative functions of the Company; and (c) it laid the foundations of central administration in India.

*The features of this Act were as follows:*

1. It designated the Governor of Bengal as the ‘Governor- General of Bengal’ and created an Executive Council of four members to assist him. The first such GovernorGeneral was Lord Warren Hastings.
2. It made the governors of Bombay and Madras presidencies subordinate to the governor-general of Bengal, unlike earlier, when the three presidencies were independent of one another.
3. It provided for the establishment of a Supreme Court at Calcutta (1774) comprising one chief justice and three other judges.
4. It prohibited the servants of the Company from engaging in any private trade or accepting presents or bribes from the ‘natives’.
5. It strengthened the control of the British Government over the Company by requiring the Court of Directors (governing body of the Company) to report on its revenue, civil, and military affairs in India.

### **2.Amending Act of 1781**

In a bid to rectify the defects of the Regulating Act of 1773, the British Parliament passed the Amending Act of 1781, also known as the Act of Settlement.

*The features of this Act were as follows:*

1. It exempted the Governor-General and the Council from the jurisdiction of the Supreme Court for the acts done by them in their official capacity. Similarly, it also exempted the servants of the company from the jurisdiction of the Supreme Court for their official actions.
2. It excluded the revenue matters and the matters arising in the collection of revenue from the jurisdiction of the Supreme Court.
3. It provided that the Supreme Court was to have jurisdiction over all the inhabitants of Calcutta. It also required the court to administer the personal law of the defendants i.e., Hindus were to be tried according to the Hindu law and Muslims were to be tried according to the Mohammedan law.
4. It laid down that the appeals from the Provincial Courts could be taken to the Governor-General-in-Council and not to the Supreme Court.
5. It empowered the Governor-General-in-Council to frame regulations for the Provincial Courts and Councils.

### **3.Pitt's India Act of 1784**

The next important act was the Pitt's India Act<sup>2</sup> of 1784.

*The features of this Act were as follows:*

1. It distinguished between the commercial and political functions of the Company.
2. It allowed the Court of Directors to manage the commercial affairs, but created a new body called Board of Control to manage the political affairs. Thus, it established a system of double government.
3. It empowered the Board of Control to supervise and direct all operations of the civil and military government or revenues of the British possessions in India.

Thus, the act was significant for two reasons: first, the Company's territories in India were for the first time called the 'British possessions in India'; and second, the British Government was given the supreme control over Company's affairs and its administration in India.

#### **4. Act of 1786**

In 1786, Lord Cornwallis was appointed as the Governor-General of Bengal. He placed two demands to accept that post, viz.,

1. He should be given power to override the decision of his council in special cases.
2. He would also be the Commander-in-Chief.

Accordingly, the Act of 1786 was enacted to make both the provisions.

#### **5. Charter Act of 1793**

*The features of this Act were as follows:*

1. It extended the overriding power given to Lord Cornwallis over his council, to all future Governor-Generals and Governors of Presidencies.
2. It gave the Governor-General more powers and control over the governments of the subordinate Presidencies of Bombay and Madras.
3. It extended the trade monopoly of the Company in India for another period of twenty years.
4. It provided that the Commander-in-Chief was not to be a member of the Governor-General's council, unless he was so appointed.
5. It laid down that the members of the Board of Control and their staff were, henceforth, to be paid out of the Indian revenues.

#### **6. Charter Act of 1813**

*The features of this Act were as follows:*

1. It abolished the trade monopoly of the company in India i.e., the Indian trade was thrown open to all British merchants. However, it continued the monopoly of the company over trade in tea and trade with China.
2. It asserted the sovereignty of the British Crown over the Company's territories in India.
3. It allowed the Christian missionaries to come to India for the purpose of enlightening the people.

4. It provided for the spread of western education among the inhabitants of the British territories in India.
5. It authorised the Local Governments in India to impose taxes on persons. They could also punish the persons for not paying taxes.

### **7. Charter Act of 1833**

This Act was the final step towards centralisation in British India.

*The features of this Act were as follows:*

1. It made the Governor-General of Bengal as the Governor-General of India and vested in him all civil and military powers. Thus, the act created, for the first time, Government of India having authority over the entire territorial area possessed by the British in India. Lord William Bentick was the first Governor-General of India.
2. It deprived the Governor of Bombay and Madras of their legislative powers. The Governor-General of India was given exclusive legislative powers for the entire British India. The laws made under the previous acts were called as Regulations, while laws made under this act were called as Acts.
3. It ended the activities of the East India Company as a commercial body, which became a purely administrative body. It provided that the Company's territories in India were held by it 'in trust for His Majesty, His heirs and successors'.
4. The Charter Act of 1833 attempted to introduce a system of open competition for selection of civil servants and stated that the Indians should not be debarred from holding any place, office and employment under the Company. However, this provision was negated after opposition from the Court of Directors.

### **8. Charter Act of 1853**

This was the last of the series of Charter Acts passed by the British Parliament between 1793 and 1853. It was a significant constitutional landmark.

*The features of this Act were as follows:*

1. It separated, for the first time, the legislative and executive functions of the Governor-General's council. It provided for addition of six new members called legislative councillors to the council. In other words, it established a separate Governor-General's legislative council which came to be known as the Indian (Central) Legislative Council. This legislative wing of the council functioned as a mini- Parliament, adopting the same procedures as the British Parliament. Thus, legislation, for the first time, was treated as a special function of the government, requiring special machinery and special process.
2. It introduced an open competition system of selection and recruitment of civil servants. The covenanted civil service<sup>3</sup> was, thus, thrown open to the Indians also. Accordingly, the Macaulay Committee (the Committee on the Indian Civil Service) was appointed in 1854.
3. It extended the Company's rule and allowed it to retain the possession of Indian territories on trust for the British Crown. But, it did not specify any particular period, unlike the previous Charters. This was a clear indication that the Company's rule could be terminated at any time the Parliament liked.
4. It introduced, for the first time, local representation in the Indian (Central) Legislative Council. Of the six new legislative members of the GovernorGeneral's council, four members were appointed by the local (provincial) governments of Madras, Bombay, Bengal and Agra.



## **9. Government of India Act of 1858**

This significant Act was enacted in the wake of the Revolt of 1857—also known as the First War of Independence or the ‘sepoy mutiny’. The act known as the Act for the Good Government of India, abolished the East India Company, and transferred the powers of Government, territories and revenues to the British Crown.

*The features of this Act were as follows:*

1. It provided that India, henceforth, was to be governed by, and in the name of, Her Majesty. It changed the designation of the Governor-General of India to that of Viceroy of India. He (Viceroy) was the direct representative of the British Crown in India. Lord Canning, thus, became the first Viceroy of India.
2. It ended the system of double Government by abolishing the Board of Control and Court of Directors.
3. It created a new office, Secretary of State for India, vested with complete authority and control over Indian administration. The secretary of state was a member of the British Cabinet and was responsible ultimately to the British Parliament.
4. It established a 15-member council of India to assist the Secretary of State for India. The council was an advisory body. The secretary of state was made the Chairman of the council.
5. It constituted the Secretary of State-in-Council as a body corporate, capable of suing and being sued in India and in England.

‘The Act of 1858 was, however, largely confined to the improvement of the administrative machinery by which the Indian Government was to be supervised and controlled in England. It did not alter in any substantial way the system of Government that prevailed in India<sup>4</sup> .’

## **10. Indian Councils Act of 1861**

After the great revolt of 1857, the British Government felt the necessity of seeking the cooperation of the Indians in the administration of their country. In pursuance of this policy of association, three acts were enacted by the British Parliament in 1861, 1892 and 1909. The Indian Councils Act of 1861 is an important landmark in the constitutional and political history of India.

*The features of this Act were as follows:*

1. It made a beginning of the representative institutions by associating Indians with the law-making process. It, thus, provided that the Viceroy should nominate some Indians as non-official members of his expanded council. In 1862, Lord Canning, the then Viceroy, nominated three Indians to his legislative council—the Raja of Benaras, the Maharaja of Patiala and Sir Dinkar Rao.
2. It initiated the process of decentralisation by restoring the legislative powers to the Bombay and Madras Presidencies. It, thus, reversed the centralising tendency that started from the Regulating Act of 1773 and reached its climax under the Charter Act of 1833. This policy of legislative devolution resulted in the grant of almost complete internal autonomy to the provinces in 1937.
3. It also provided for the establishment of new legislative councils for Bengal, North-Western Provinces and Punjab, which were established in 1862, 1886 and 1897, respectively.
4. It empowered the Viceroy to make rules and orders for the more convenient transaction of business in the council. It also gave a recognition to the ‘portfolio’ system, introduced by Lord Canning in 1859. Under this, a member of the Viceroy’s council was made in-charge of one or more departments of the Government and was authorised to issue final orders on behalf of the council on matters of his department(s).
5. It empowered the Viceroy to issue ordinances, without the concurrence of the legislative council, during an emergency. The life of such an ordinance was six months.

## **11. Indian Councils Act of 1892**

*The features of this Act were as follows:*

1. It increased the number of additional (non-official) members in the Central and provincial legislative councils, but maintained the official majority in them.
2. It increased the functions of legislative councils and gave them the power of discussing the budget<sup>5</sup> and addressing questions to the executive.
3. It provided for the nomination of some non-official members

of the (a) Central Legislative Council by the viceroy on the recommendation of the provincial legislative councils and the Bengal Chamber of Commerce, and (b) that of the provincial legislative councils by the Governors on the recommendation of the district boards, municipalities, universities, trade associations, zamin-dars and chambers.

‘The act made a limited and indirect provision for the use of election in filling up some of the non-official seats both in the Central and provincial legislative councils. The word “election” was, however, not used in the Act. The process was described as nomination made on the recommendation of certain bodies.

## **12. Indian Councils Act of 1909**

This Act is also known as Morley-Minto Reforms (Lord Morley was the then Secretary of State for India and Lord Minto was the then Viceroy of India).

*The features of this Act were as follows:*

1. It considerably increased the size of the legislative councils, both Central and provincial. The number of members in the Central legislative council was raised from 16 to 60. The number of members in the provincial legislative councils was not uniform.
2. It retained official majority in the Central legislative council, but allowed the provincial legislative councils to have non-official majority.

3. It enlarged the deliberative functions of the legislative councils at both the levels. For example, members were allowed to ask supplementary questions, move resolutions on the budget and so on.
4. It provided (for the first time) for the association of Indians with the executive councils of the Viceroy and Governors. Satyendra Prasad Sinha became the first Indian to join the Viceroy's executive council. He was appointed as the Law Member.
5. It introduced a system of communal representation for Muslims by accepting the concept of 'separate electorate'. Under this, the Muslim members were to be elected only by Muslim voters. Thus, the Act 'legalised communalism' and Lord Minto came to be known as the Father of Communal Electorate.
6. It also provided for the separate representation of presidency corporations, chambers of commerce, universities and zamindars.

### **13. Government of India Act of 1919**

On August 20, 1917, the British Government declared, for the first time, that its objective was the gradual introduction of responsible Government in India<sup>7</sup>.

The Government of India Act of 1919 was thus enacted, which came into force in 1921. This Act is also known as Montagu- Chelmsford Reforms (Montagu was the Secretary of State for India and Lord Chelmsford was the Viceroy of India).

#### ***The features of this Act were as follows:***

1. It relaxed the central control over the provinces by demarcating and separating the central and provincial subjects. The central and provincial legislatures were authorised to make laws on their respective list of subjects. However, the structure of government continued to be centralised and unitary.
2. It further divided the provincial subjects into two parts– transferred and reserved. The transferred subjects were to be administered by the Governor with the aid of Ministers

responsible to the legislative council. The reserved subjects, on the other hand, were to be administered by the Governor and his executive council without being responsible to the legislative council. This dual scheme of governance was known as ‘dyarchy’—a term derived from the Greek word *di- arche* which means double rule. However, this experiment was largely unsuccessful.

3. It introduced, for the first time, bicameralism and direct elections in the country. Thus, the Indian legislative council was replaced by a bicameral legislature consisting of an Upper House (Council of State) and a Lower House (Legislative Assembly). The majority of members of both the Houses were chosen by direct election.
4. It required that the three of the six members of the Viceroy’s executive Council (other than the Commander-in-Chief) were to be Indian.
5. It extended the principle of communal representation by providing separate electorates for Sikhs, Indian Christians, Anglo-Indians and Europeans.
6. It granted franchise to a limited number of people on the basis of property, tax or education.
7. It created a new office of the High Commissioner for India in London and transferred to him some of the functions hitherto performed by the Secretary of State for India.
8. It provided for the establishment of a public service commission. Hence, a Central Public Service Commission was set up in 1926 for recruiting civil servants<sup>8</sup>.
9. It separated, for the first time, provincial budgets from the Central budget and authorized the provincial legislatures to enact their budgets.
10. It provided for the appointment of a statutory commission to inquire into and report on its working after ten years of its coming into force.

### **Simon Commission**

In November 1927 itself (i.e., 2 years before the schedule), the British Government announced the appointment a seven-member statutory commission under the chairmanship of Sir John Simon

to report on the condition of India under its new Constitution. All the members of the commission were British and hence, all the parties boycotted the commission. The commission submitted its report in 1930 and recommended the abolition of dyarchy, extension of responsible Government in the provinces, establishment of a federation of British India and princely states, continuation of communal electorate and so on. To consider the proposals of the commission, the British Government convened three round table conferences of the representatives of the British Government, British India and Indian princely states. On the basis of these discussions, a 'White Paper on Constitutional Reforms' was prepared and submitted for the consideration of the Joint Select Committee of the British Parliament. The recommendations of this committee were incorporated (with certain changes) in the next Government of India Act of 1935.

### **Communal Award**

In August 1932, Ramsay MacDonald, the British Prime Minister, announced a scheme of representation of the minorities, which came to be known as the Communal Award. The award not only continued separate electorates for the Muslims, Sikhs, Indian Christians, Anglo-Indians and Europeans but also extended it to the depressed classes (Scheduled Castes). Gandhiji was distressed over this extension of the principle of communal representation to the depressed classes and undertook fast unto death in Yerawada Jail (Poona) to get the award modified. At last, there was an agreement between the leaders of the Congress and the depressed classes. The agreement, known as Poona Pact, retained the Hindu joint electorate and gave reserved seats to the depressed classes.

### **14. Government of India Act of 1935**

The Act marked a second milestone towards a completely responsible government in India. It was a lengthy and detailed document having 321 Sections and 10 Schedules.

*The features of this Act were as follows:*

1. It provided for the establishment of an All-India Federation consisting of provinces and princely states as units. The Act divided the powers between the Centre and units in terms of three lists—Federal List (for Centre, with 59 items), Provincial List (for provinces, with 54 items) and the Concurrent List (for both, with 36 items). Residuary powers were given to the Viceroy. However, the federation never came into being as the princely states did not join it.
2. It abolished dyarchy in the provinces and introduced ‘provincial autonomy’ in its place. The provinces were allowed to act as autonomous units of administration in their defined spheres. Moreover, the Act introduced responsible Governments in provinces, that is, the Governor was required to act with the advice of ministers responsible to the provincial legislature. This came into effect in 1937 and was discontinued in 1939.
3. It provided for the adoption of dyarchy at the Centre. Consequently, the federal subjects were divided into reserved subjects and transferred subjects. However, this provision of the Act did not come into operation at all.
4. It introduced bicameralism in six out of eleven provinces. Thus, the legislatures of Bengal, Bombay, Madras, Bihar, Assam and the United Provinces were made bicameral consisting of a legislative council (upper house) and a legislative assembly (lower house). However, many restrictions were placed on them.
5. It further extended the principle of communal representation by providing separate electorates for depressed classes (Scheduled Castes), women and labour (workers).
6. It abolished the Council of India, established by the Government of India Act of 1858. The secretary of state for India was provided with a team of advisors.
7. It extended franchise. About 10 per cent of the total population got the voting right.
8. It provided for the establishment of a Reserve Bank of India to control the currency and credit of the country.
9. It provided for the establishment of not only a Federal Public Service Commission, but also a Provincial Public Service Commission and Joint Public Service Commission for two or more provinces.

10. It provided for the establishment of a Federal Court, which was set up in 1937.

### **15. Indian Independence Act of 1947**

On February 20, 1947, the British Prime Minister Clement Atlee declared that the British rule in India would end by June 30, 1948; after which the power would be transferred to responsible Indian hands. This announcement was followed by the agitation by the Muslim League demanding partition of the country. Again on June 3, 1947, the British Government made it clear that any Constitution framed by the Constituent Assembly of India (formed in 1946) cannot apply to those parts of the country which were unwilling to accept it. On the same day (June 3, 1947), Lord Mountbatten, the Viceroy of India, put forth the partition plan, known as the Mountbatten Plan. The plan was accepted by the Congress and the Muslim League. Immediate effect was given to the plan by enacting the Indian Independence Act<sup>9</sup> (1947).

#### ***The features of this Act were as follows:***

1. It ended the British rule in India and declared India as an independent and sovereign state from August 15, 1947.
2. It provided for the partition of India and creation of two independent dominions of India and Pakistan with the right to secede from the British Commonwealth.
3. It abolished the office of Viceroy and provided, for each dominion, a governor general, who was to be appointed by the British King on the advice of the dominion cabinet. His Majesty's Government in Britain was to have no responsibility with respect to the Government of India or Pakistan.
4. It empowered the Constituent Assemblies of the two dominions to frame and adopt any constitution for their respective nations and to repeal any act of the British Parliament, including the Independence act itself.
5. It empowered the Constituent Assemblies of both the dominions to legislate for their respective territories till the



new constitutions were drafted and enforced. No Act of the British Parliament passed after August 15, 1947 was to extend to either of the new dominions unless it was extended thereto by a law of the legislature of the dominion.

6. It abolished the office of the Secretary of State for India and transferred his functions to the Secretary of State for Commonwealth Affairs.
7. It proclaimed the lapse of British paramountcy over the Indian princely states and treaty relations with tribal areas from August 15, 1947.
8. It granted freedom to the Indian princely states either to join the Dominion of India or Dominion of Pakistan or to remain independent.
9. It provided for the governance of each of the dominions and the provinces by the Government of India Act of 1935, till the new Constitutions were framed. The dominions were however authorised to make modifications in the Act.
10. It deprived the British Monarch of his right to veto bills or ask for reservation of certain bills for his approval. But, this right was reserved for the GovernorGeneral. The Governor- General would have full power to assent to any bill in the name of His Majesty.
11. It designated the Governor-General of India and the provincial governors as constitutional (nominal) heads of the states. They were made to act on the advice of the respective council of ministers in all matters.
12. It dropped the title of Emperor of India from the royal titles of the King of England.
13. It discontinued the appointment to civil services and reservation of posts by the secretary of state for India. The members of the civil services appointed before August 15, 1947 would continue to enjoy all benefits that they were entitled to till that time.

At the stroke of midnight of 14-15 August, 1947, the British rule came to an end and power was transferred to the two new independent Dominions of India and Pakistan<sup>10</sup>. Lord Mountbatten became the first Governor General of the new Dominion of India. He swore in Jawaharlal Nehru as the first Prime Minister of independent India. The Constituent Assembly of India formed in 1946 became the Parliament of the Indian Dominion.

## **ADMINISTRATIVE REFORMS COMMISSIONS**

Reports published by the Administrative Reforms Commission are called ARC Reports. The 1st ARC was set up in 1966 to examine the public administration of the country and make recommendations for reform and reorganization. The 2nd ARC (2005) prepared a detailed blueprint to revamp the public administrative system. It submitted 15 reports to the Government covering areas like RTI, ethics in governance, local governance, terrorism, public administration, e-governance, financial management and so on.

### **First Administrative Reforms Commission**

The Central government appointed a six-member Administrative Reforms Commission (ARC) in 1966 under the chairmanship of Morarji Desai (followed by K Hanumanthayya). Its terms of references included, among others, the examination of Centre-State relations. In order to examine thoroughly the various issues in Centre-state relations, the ARC constituted a study team under M.C. Setalvad. On the basis of the report of this study team, the ARC finalised its own report and submitted it to the Central government in 1969. It made 22 recommendations for improving the Centre-state relations. The important recommendations are:

- Establishment of an Inter-State Council under Article 263 of the Constitution.
- Appointment of persons having long experience in public life and administration and non-partisan attitude as governors.
- Delegation of powers to the maximum extent to the states.
- Transferring of more financial resources to the states to reduce their dependency upon the Centre.
- Deployment of Central armed forces in the states either on their request or otherwise.

No action was taken by the Central government on the recommendations of the ARC.

### **Second Administrative Reforms commission**

The Second ARC (2005) drew up a thorough design for reforming the government's administrative system. It was constituted in 2005 and was chaired by Veerappa Moily. It presented the government with 15 reports on topics such as RTI, ethics in governance, local governance, terrorism, public administration, e-governance, and financial management.

Recommendations of 2nd ARC fall into two group 1st – changes for administrative structures/processes/techniques 2nd set – a number of issues to be examined by Govt for implementation of suggested changes need strong political will and sustained political guidance at the highest level

- State Information Commission (1st Report)
- NREGA- Payment of wages thru Bank and Post office (2nd)
- Fund should be transferred directly to District(2nd)
- District Disaster Management Plan – Long term mitigation Plan, Emergency Response Plan, etc... (3rd)
- Lokayukta(reinforced), Citizens' Charter, Ombudsman for local bodies, etc... (4th)
- MIPUI AW (Centralized Public Grievances Redressal Mechanism) (4th & 12th)
- Social Audit (4th)
- Corporate Social Responsibility (9th Report)
- G2C, CSC, SWAN (promotion of e-governance) – (11th Report)
- Effective Citizen's Charter & Lok Adalat -12th Report
- Result Framework Documents (RFD) -12th Rep

## **Module II**

### **Administration at the Union Level**

#### **PRESIDENT**

The President is the head of the Indian State. He is the first citizen of India and acts as the symbol of unity, integrity and solidarity of the nation.

#### **Election of the president**

The President is elected not directly by the people but by members of electoral college consisting of:

1. the elected members of both the Houses of Parliament;
2. the elected members of the legislative assemblies of the states;
3. the elected members of the legislative assemblies of the Union Territories of Delhi and Puducherry.

The President's election is held in accordance with the system of proportional representation by means of the single transferable vote and the voting is by secret ballot. This system ensures that the successful candidate is returned by the absolute majority of votes. A candidate, in order to be declared elected to the office of President, must secure a fixed quota of votes.

#### **Qualifications for Election as President**

A person to be eligible for election as President should fulfil the following qualifications:

1. He should be a citizen of India.
2. He should have completed 35 years of age.
3. He should be qualified for election as a member of the Lok Sabha.
4. He should not hold any office of profit under the Union government or any state government or any local authority or any other public authority. A sitting President or Vice President of the Union, the Governor of any state and a minister of the Union or any state is not deemed to hold

any office of profit and hence qualified as a presidential candidate. Further, the nomination of a candidate for election to the office of President must be subscribed by at least 50 electors as proposers and 50 electors as seconders. Every candidate has to make a security deposit of ₹15,000 in the Reserve Bank of India. The security deposit is liable to be forfeited in case the candidate fails to secure one-sixth of the votes polled.

### **Term of President's Office**

The President holds office for a term of five years from the date on which he enters upon his office. However, he can resign from his office at any time by addressing the resignation letter to the Vice- President. Further, he can also be removed from the office before completion of his term by the process of impeachment. The President can hold office beyond his term of five years until his successor assumes charge. He is also eligible for re-election to that office. He may be elected for any number of terms<sup>6</sup>. However, in USA, a person cannot be elected to the office of the President more than twice.

### **Impeachment of President**

The President can be removed from office by a process of impeachment for 'violation of the Constitution'. However, the Constitution does not define the meaning of the phrase 'violation of the Constitution'. The impeachment charges can be initiated by either House of Parliament. These charges should be signed by one-fourth members of the House (that framed the charges), and a 14 days' notice should be given to the President. After the impeachment resolution is passed by a majority of two-thirds of the total membership of that House, it is sent to the other House, which should investigate the charges. The President has the right to appear and to be represented at such investigation. If the other House also sustains the charges and passes the impeachment resolution by a majority of two-thirds of the total membership, then the President stands removed from his office from the date on which the resolution is so passed. Thus, an impeachment is a quasi-judicial procedure in the Parliament. In this context, two things should be noted: (a) the nominated members of either House of Parliament can participate in the impeachment of the President though they do not participate in his election; (b) the elected members of the legislative assemblies of states and the Union Territories of Delhi and Puducherry do not participate in the impeachment of the President though they participate in his election. No President has so far been impeached.

## **Powers and functions of the president**

The powers enjoyed and the functions performed by the President can be studied under the following heads.

1. Executive powers
2. Legislative powers
3. Financial powers
4. Judicial powers
5. Diplomatic powers
6. Military powers
7. Emergency powers

### **Executive Powers**

The executive powers and functions of the President are:

- (a) All executive actions of the Government of India are formally taken in his name.
- (b) He can make rules specifying the manner in which the orders and other instruments made and executed in his name shall be authenticated.
- (c) He can make rules for more convenient transaction of business of the Union government, and for allocation of the said business among the ministers.
- (d) He appoints the prime minister and the other ministers. They hold office during his pleasure.
- (e) He appoints the attorney general of India and determines his remuneration. The attorney general holds office during the pleasure of the President.
- (f) He appoints the comptroller and auditor general of India, the chief election commissioner and other election commissioners, the chairman and members of the Union Public Service Commission, the governors of states, the chairman and members of finance commission, and so on.

(g) He can seek any information relating to the administration of affairs of the Union, and proposals for legislation from the prime minister.

(h) He can require the Prime Minister to submit, for consideration of the council of ministers, any matter on which a decision has been taken by a minister but, which has not been considered by the council.

(i) He can appoint a commission to investigate into the conditions of SCs, STs and other backward classes.

(j) He can appoint an inter-state council to promote Centre-state and inter-state cooperation.

(k) He directly administers the union territories through administrators appointed by him.

(l) He can declare any area as scheduled area and has powers with respect to the administration of scheduled areas and tribal areas.

### **Legislative Powers**

The President is an integral part of the Parliament of India, and enjoys

the following legislative powers.

(a) He can summon or prorogue the Parliament and dissolve the Lok Sabha. He can also summon a joint sitting of both the Houses of Parliament, which is presided over by the Speaker of the Lok Sabha.

(b) He can address the Parliament at the commencement of the first session after each general election and the first session of each year.

(c) He can send messages to the Houses of Parliament, whether with respect to a bill pending in the Parliament or otherwise.

(d) He can appoint any member of the Lok Sabha to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant. Similarly, he can also appoint any member of the Rajya Sabha to preside over its proceedings when the offices of both the Chairman and the Deputy Chairman fall vacant.

(e) He nominates 12 members of the Rajya Sabha from amongst persons having special knowledge or practical experience in literature, science, art and social service.

(f) He can nominate two members to the Lok Sabha from the Anglo- Indian Community.

(g) He decides on questions as to disqualifications of members of the Parliament, in consultation with the Election Commission.

(h) His prior recommendation or permission is needed to introduce certain types of bills in the Parliament. For example, a bill involving expenditure from the Consolidated Fund of India, or a bill for the alteration of boundaries of states or creation of a new state.

(i) When a bill is sent to the President after it has been passed by the Parliament, he can:

(i) give his assent to the bill, or

(ii) withhold his assent to the bill, or

(iii) return the bill (if it is not a money bill) for reconsideration of Parliament.

However, if the bill is passed again by the Parliament, with or without amendments, the President has to give his assent to the bill.

(j) When a bill passed by a state legislature is reserved by the governor for consideration of the President, the President can:

(i) give his assent to the bill, or

(ii) withhold his assent to the bill, or

(iii) direct the governor to return the bill (if it is not a money bill) reconsideration of the state legislature. It should be noted that it is not obligatory for the President to give his assent even if the bill is again passed by the state legislature and sent again to him for his consideration.

(k) He can promulgate ordinances when the Parliament is not in session. These ordinances must be approved by the Parliament within six weeks from its reassembly. He can also withdraw an ordinance at any time.

(l) He lays the reports of the Comptroller and Auditor General, Union Public Service Commission, Finance Commission, and others, before the Parliament.

(m) He can make regulations for the peace, progress and good government of the Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli, Daman and Diu and Ladakh. In the case of Puducherry also, the President can legislate by making regulations but only when the assembly is suspended or dissolved.



## **Financial Powers**

The financial powers and functions of the President are:

- (a) Money bills can be introduced in the Parliament only with his prior recommendation.
- (b) He causes to be laid before the Parliament the annual financial statement (ie, the Union Budget).
- (c) No demand for a grant can be made except on his recommendation.
- (d) He can make advances out of the contingency fund of India to meet any unforeseen expenditure.
- (e) He constitutes a finance commission after every five years to recommend the distribution of revenues between the Centre and the states.

## **Judicial Powers**

The judicial powers and functions of the President are:

- (a) He appoints the Chief Justice and the judges of Supreme Court and high courts.
- (b) He can seek advice from the Supreme Court on any question of law or fact. However, the advice tendered by the Supreme Court is not binding on the President.
- (c) He can grant pardon, reprieve, respite and remission of punishment, or suspend, remit or commute the sentence of any person convicted of any offence:
  - (i) In all cases where the punishment or sentence is by a court martial;
  - (ii) In all cases where the punishment or sentence is for an offence against a Union law; and
  - (iii) In all cases where the sentence is a sentence of death.

## **Diplomatic Powers**

The international treaties and agreements are negotiated and concluded on behalf of the President. However, they are subject to the approval of the Parliament. He represents India in international forums and affairs and sends and receives diplomats like ambassadors, high commissioners, and so on.

## **Military Powers**

He is the supreme commander of the defence forces of India. In that capacity, he appoints the chiefs of the Army, the Navy and the Air Force. He can declare war or conclude peace, subject to the approval of the Parliament.

## **Emergency Powers**

In addition to the normal powers mentioned above, the Constitution confers extraordinary powers on the President to deal with the following three types of emergencies:

### **(a) National Emergency (Article 352)**

Article 352 of the Constitution provides for the provision of National Emergency which can be applied if any extraordinary situation arises that may threaten the security, peace, stability and governance of the country. Whenever any of the following grounds occur, an emergency can be imposed War, External aggression; or Internal rebellion.

Article 352 provides that if the President is 'satisfied' on the grounds that the security of India is threatened due to outside aggression or armed rebellion, he can issue a proclamation to that effect regarding the whole of India or a part thereof.

### **(b) President's Rule (Article 356 & 365)**

As per Article 356, if the President after receiving a report from the Governor of a State or otherwise is satisfied that such a situation exists where the Government of a State cannot be carried in accordance with the provisions of the Constitution, he may issue a Proclamation of state emergency.

### **(c) Financial Emergency (Article 360)**

As per Article 360, a Proclamation of Financial Emergency may be issued, if the President is of the opinion that such a situation exists where the financial stability of India or any part of the territory is threatened.

## **Veto power of the president**

A bill passed by the Parliament can become an act only if it receives the assent of the President. When such a bill is presented to the President for his assent, he has three alternatives (under Article 111 of the Constitution):

1. He may give his assent to the bill, or
2. He may withhold his assent to the bill, or

3. He may return the bill (if it is not a Money bill) for reconsideration of the Parliament.

However, if the bill is passed again by the Parliament with or without amendments and again presented to the President, the President must give his assent to the bill. Thus, the President has the veto power over the bills passed by the Parliament, that is, he can withhold his assent to the bills. The object of conferring this power on the President is two-fold—(a) to prevent hasty and ill-considered legislation by the Parliament; and (b) to prevent a legislation which may be unconstitutional. The veto power enjoyed by the executive in modern states can be classified into the following four types:

1. Absolute veto, that is, withholding of assent to the bill passed by the legislature.
2. Qualified veto, which can be overridden by the legislature with a higher majority.
3. Suspensive veto, which can be overridden by the legislature with an ordinary majority.
4. Pocket veto, that is, taking no action on the bill passed by the legislature.

Of the above four, the President of India is vested with three— absolute veto, suspensive veto and pocket veto. There is no qualified veto in the case of Indian President; it is possessed by the American President.

### **Pardoning power of the president**

Article 72 of the Constitution empowers the President to grant pardons to persons who have been tried and convicted of any offence in all cases. The pardoning power of the President includes the following:

#### **1. Pardon**

It removes both the sentence and the conviction and completely absolves the convict from all sentences, punishments and disqualifications.

#### **2. Commutation**

It denotes the substitution of one form of punishment for a lighter form. For example, a death sentence may be commuted to rigorous imprisonment, which in turn may be commuted to a simple imprisonment.

### **3. Remission**

It implies reducing the period of sentence without changing its character. For example, a sentence of rigorous imprisonment for two years may be remitted to rigorous imprisonment for one year.

### **4. Respite**

It denotes awarding a lesser sentence in place of one originally awarded due to some special fact, such as the physical disability of a convict or the pregnancy of a woman offender.

### **5. Reprieve**

It implies a stay of the execution of a sentence (especially that of death) for a temporary period. Its purpose is to enable the convict to have time to seek pardon or commutation from the President.

## **VICE-PRESIDENT**

The Vice-President occupies the second highest office in the country. He is accorded a rank next to the President in the official warrant of precedence. This office is modelled on the lines of the American Vice-President.

### **Election**

The Vice-President, like the president, is elected not directly by the people but by the method of indirect election. He is elected by the members of an electoral college consisting of the members of both Houses of Parliament. Thus, this electoral college is different from the electoral college for the election of the President in the following two respects:

1. It consists of both elected and nominated members of the Parliament (in the case of president, only elected members).
2. It does not include the members of the state legislative assemblies

The Vice-President's election, like that of the President's election, is held in accordance with the system of proportional representation by means of the single transferable vote and the voting is by secret ballot.

### **Qualifications**

To be eligible for election as Vice-President, a person should fulfil the following qualifications:

1. He should be a citizen of India.
2. He should have completed 35 years of age.
3. He should be qualified for election as a member of the Rajya Sabha.
4. He should not hold any office of profit under the Union government or any state government or any local authority or any other public authority.

### **Term of Office**

The Vice-President holds office for a term of five years from the date on which he enters upon his office. However, he can resign from his office at any time by addressing the resignation letter to the President. He can also be removed from the office before completion of his term. A formal impeachment is not required for his removal. He can be removed by a resolution passed by a majority of all the then members of the Rajya Sabha and agreed to by the Lok Sabha. This means that this resolution should be passed in the Rajya Sabha by an effective majority and in the Lok Sabha by a simple majority. It must be noted here that the effective majority in India is only a type of special majority and not a separate one. Further, this resolution can be introduced only in the Rajya Sabha and not in the Lok Sabha. But, no such resolution can be moved unless at least 14 days' advance notice has been given. Notably, no ground has been mentioned in the Constitution for his removal.

### **Powers and functions**

The functions of Vice-President are two-fold:

1. He acts as the ex-officio Chairman of Rajya Sabha. In this capacity, his powers and functions are similar to those of the Speaker of Lok Sabha. In this respect, he resembles the American vice president who also acts as the Chairman of the Senate—the Upper House of the American legislature.

2. He acts as President when a vacancy occurs in the office of the President due to his resignation, impeachment, death or otherwise. He can act as President only for a maximum period of six months within which a new President has to be elected. Further, when the sitting President is unable to discharge his functions due to absence, illness or any other cause, the Vice-President discharges his functions until the President resumes his office.

While acting as President or discharging the functions of President, the Vice-President does not perform the duties of the office of the chairman of Rajya Sabha. During this period, those duties are performed by the Deputy Chairman of Rajya Sabha. The Constitution has not fixed any emoluments for the Vice- President in that capacity. He draws his regular salary in his capacity as the ex-officio Chairman of the Rajya Sabha. In 2018, the Parliament increased the salary of the Chairman of the Rajya Sabha from ₹1.25 lakh to ₹4 lakh per month<sup>9</sup>. Earlier in 2008, the pension of the retired Vice-President was increased from ₹20,000 per month to 50% of his salary per month<sup>10</sup>. In addition, he is entitled to daily allowance, free furnished residence, medical, travel and other facilities. During any period when the Vice-President acts as President or discharges the functions of the President, he is not entitled to the salary or allowance payable to the Chairman of Rajya Sabha, but the salary and allowance of the President.

## **PRIME MINISTER**

In the scheme of parliamentary system of government provided by the constitution, the President is the nominal executive authority (de jure executive) and Prime Minister is the real executive authority (de facto executive). In other words, president is the head of the State while Prime Minister is the head of the government. The Constitution does not contain any specific procedure for the selection and appointment of the Prime Minister. Article 75 says only that the Prime Minister shall be appointed by the president. However, this does not imply that the president is free to appoint any one as the Prime Minister. In accordance with the conventions of the parliamentary system of government, the President has to appoint the leader of the majority party in the Lok Sabha as the Prime Minister. But, when no party has a clear majority in the Lok Sabha, then the President may exercise his personal discretion in the selection and appointment of the Prime Minister. In such a situation, the President usually appoints the leader of the largest party or coalition in the Lok Sabha as the Prime Minister and asks him to seek a vote of confidence in the House within a month.

## **Term and Salary**

The term of the Prime Minister is not fixed and he holds office during the pleasure of the president. However, this does not mean that the president can dismiss the Prime Minister at any time. So long as the Prime Minister enjoys the majority support in the Lok Sabha, he cannot be dismissed by the President. However, if he loses the confidence of the Lok Sabha, he must resign or the President can dismiss him. The salary and allowances of the Prime Minister are determined by the Parliament from time to time. He gets the salary and allowances that are payable to a member of Parliament. Additionally, he gets a sumptuary allowance, free accommodation, travelling allowance, medical facilities, etc.

## **Powers and functions of the prime minister**

The powers and functions of Prime Minister can be studied under the following heads:

### **In Relation to Council of Ministers**

The Prime Minister enjoys the following powers as head of the Union council of ministers:

1. He recommends persons who can be appointed as ministers by the president. The President can appoint only those persons as ministers who are recommended by the Prime Minister.
2. He allocates and reshuffles various portfolios among the ministers.
3. He can ask a minister to resign or advise the President to dismiss him in case of difference of opinion.
4. He presides over the meeting of council of ministers and influences its decisions.
5. He guides, directs, controls, and coordinates the activities of all the ministers.
6. He can bring about the collapse of the council of ministers by resigning from office.

### **In Relation to the President**

The Prime Minister enjoys the following powers in relation to the President:

1. He is the principal channel of communication between the President and the council of ministers. It is the duty of the prime minister:
  - (a) to communicate to the President all decisions of the council of ministers relating to the administration of the affairs of the Union and proposals for legislation;

(b) to furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for; and

(c) if the President so requires, to submit for the of the council of ministers any matter on which a decision has been taken by a minister but which has not been considered by the council.

2. He advises the president with regard to the appointment of important officials like attorney general of India, Comptroller and Auditor General of India, chairman and members of the UPSC, election commissioners, chairman and members of the finance commission and so on.

### **In Relation to Parliament**

The Prime Minister is the leader of the Lower House. In this capacity, he enjoys the following powers:

1. He advises the President with regard to summoning and proroguing of the sessions of the Parliament.

2. He can recommend dissolution of the Lok Sabha to President at any time.

3. He announces government policies on the floor of the House.

### **Other Powers & Functions**

In addition to the above-mentioned three major roles, the Prime Minister has various other roles. These are:

1. He is the chairman of the NITI Ayog (which succeeded the planning commission), National Integration Council, Inter State Council, National Water Resources Council and some other bodies.

2. He plays a significant role in shaping the foreign policy of the country.

3. He is the chief spokesman of the Union government.

4. He is the crisis manager-in-chief at the political level during emergencies.

5. As a leader of the nation, he meets various sections of people in different states and receives memoranda from them regarding their problems, and so on.

6. He is leader of the party in power.



## **COUNCIL OF MINISTERS**

The Council of Ministers includes the Cabinet ministers, state ministers, and deputy ministers with PM, as its head. Sub-clause 1A has been inserted to Article 75, which provides the total number of ministers along with the Prime Minister shall not exceed 15% of the total number of the members of the House of People w.e.f. 1.1.2004. The Council of Ministers (COM) comprises three types of ministers: ministers of state, deputy ministers, and cabinet ministers.

### **Cabinet Ministers**

They are the people in charge of the essential ministries of the Central Government, such as defense, home affairs, finance, and foreign affairs. It is the Central Government's leading policy-making group. Cabinet Ministers are typically 18 to 25 members. They participate in critical conferences and play an essential part in the country's policy making process.

### **Ministers of State**

They may be provided self-sufficient charge of departments or ministries or perhaps be connected to cabinet ministers. These ministers do not have the opportunity to enter cabinet meetings unless they are invited. Whenever the cabinet considers anything essential associated with their departments, ministers of state (self-governing charge) are asked to attend cabinet meetings.

### **Deputy Ministers**

They work alongside ministers of state or cabinet ministers to assist them with political, parliamentary, and administrative responsibilities. Deputy ministers are relatively low in the hierarchy and therefore are not offered independent authority. Because they are not cabinet members, they need not have to participate in cabinet meetings.

### **Role of Council of Ministers**

The role of Council of Ministers can be enumerated as under:

- (1) Formulation, execution, evaluation and revision of public policy in various spheres which the party in power seeks to progress and practice.
- (2) Coordination among various ministries and other organs of the government which might indulge in conflicts, wastefulness, duplication of functions and empire building.

(3) Preparation and monitoring of the legislative agenda which translated the policies of the government in action through statutory enactments.

(4) Executive control over administration through appointments, rulemaking powers and handling of crises and disasters – natural as well as political.

(5) Financial management through fiscal control and operation of funds like Consolidated Fund and Contingency Funds of India.

## **CENTRAL SECRETARIAT**

The Central Secretariat stands for the complex of departments or ministries whose administrative heads are designated as Secretaries and whose political heads are ministers. The Central Secretariat occupies a key position in Indian administration. The Secretariat refers to the conglomeration of various ministries/departments of the central government. The Secretariat works as a single unit with collective responsibility as in the case of the Council of Ministers. The Secretariat assists the ministers in the formulation of governmental policies. Ministers finalise policies on the basis of adequate data, precedents and other relevant information. The Secretariat makes these available to the minister, thus, enabling him to formulate policies. Secondly, the Secretariat assists the ministers in their legislative work too. The Secretariat prepares legislative drafts to be introduced in the legislature. It engages in the collection of relevant information for answering parliamentary questions. and, also, for various parliamentary committees. Fourthly, it carries out a detailed scrutiny of a problems bringing an overall comprehensive viewpoint on it. It functions as the main channel of communication between the government and other concerned agencies like the Planning Commission, Finance Commission, etc. And lastly, the Secretariat also ensures that field offices execute, with efficiency and economy, the policies and decisions of the Government.

### **Structure of secretariat**

The Central Secretariat is a collection of various ministries and department. A ministry is responsible for the formulation of the policy of government within its sphere of responsibility as well as for the execution and review of that policy. A ministry, for the purpose of internal organisation, is divided into the following subgroups with an officer in charge of each of them.

Department – Secretary/Additional/ Special Secretary

Wing - Additional /Joint Secretary

Division - Deputy Secretary

Branch - Under Secretary

Section - Section Officer

The lowest of these units is the section in charge of a Section Officer and consists of a number of assistants, clerks, typists and peons. It deals with the work relating to the subject allotted to it. It is also referred to as the office. Two sections constitute the branch which is under the charge of an undersecretary, also known as the branch officer. Two branches ordinarily form a division which is normally headed by a deputy secretary. When the volume of work in a ministry exceeds the manageable charge of a secretary, one or more wings are established with a joint secretary in charge of each wing. At the top of the hierarchy comes the department which is headed by the secretary himself or in some cases by an additional/special secretary. In some cases, a department may be as autonomous as a ministry and equivalent to it in rank.

### **Functions of central secretariat**

- 1) Assisting the minister in the discharge of his policy making and parliamentary functions.
- 2) Framing legislation, rules and principles of procedure.
- 3) Sectoral planning and programme formulation.
- 4) Budgeting and control of expenditure in respect of activities of the ministry/department.
- 5) Securing administrative and financial approval to operational programme and their subsequent modifications.
- 6) Supervision and control over the execution of policies and programmes by the executive departments or semi-autonomous field agencies.
- 7) Initiating steps to develop greater personnel and organisational competence both in the ministry/department and its executive agencies.
- 8) Assisting in increasing coordination at the Central level.

## **CABINET SECRETARIAT**

Cabinet secretariat is a British legacy to India. The basic duty of the cabinet secretariat is to maintain records and provide secretarial assistance to the cabinet. The cabinet secretariat has three wings- civil wing, military wing, and intelligence wing. The civil wing provides advice and assistance to the Union cabinet. The military wing provides secretarial assistance to the Defence Committee of the cabinet the Military Affairs Committee, the National Defence Council, and other committees dealing with defence matters. The intelligence wing deals with matters pertaining to the Joint Intelligence Committee of the Union cabinet.

Besides, the cabinet secretariat has the following organizations:

- 1) Research and Analysis Wing (RAW)
- 2) Director General of Security
- 3) Special Protection Group
- 4) Joint Intelligence Committee
- 5) Directorate of Public Grievances
- 6) National Authority, Chemical Weapons Convention

Besides, there are a large number of other secretaries and officials like under-secretary, deputy secretary to assist. In addition, the cabinet secretariat has subject related advisors to the PM.

### **Functions**

The cabinet secretariat performs the following functions:

- 1) Prepares agenda for meetings of the cabinet and provides necessary information and material for its deliberations.
- 2) Keeps a record of the discussions and decisions of the cabinet and cabinet Secretariat committees and circulates them to all concerned ministries.
- 3) Provides secretarial assistance to the Cabinet Committees-Political Affairs Committee, Economic Affairs Committee, Appointments Committee, and Committee on Parliamentary Affairs (Chairperson-Home Minister).

- 4) Keeps the President, Vice-President, and all the central ministries informed of the activities undertaken by the central government.
- 5) Prepares and finalizes the rules of business of the government and allots the same to ministries/departments of the Union government with the President's approval.
- 6) Functions, as the chief coordinating agency in the central government. In this respect, it settles disputes between ministries.
- 7) Watches the implementation of cabinet decisions by the concerned ministries/ departments and executive agencies.
- 8) Handles the work pertaining to appointment and resignation of ministers, allotment of portfolios to the ministers, and organization and re-organization of ministries.

## **PRIME MINISTER'S OFFICE (PMO)**

The Prime Minister's Office is headed politically by Prime Minister and administratively by the Principal Secretary. Additionally, it consists of one or two Additional Secretaries, three to five Joint Secretaries, a number of Directors, Deputy Secretaries and Under Secretaries. There are also other officers like Officer on Special Duty; Private Secretaries, and so on. These officers are supported by regular office establishment.

### **Functions**

The main task of the secretariat is to help the Prime Minister in the performance of his functions as the head of the government. It is responsible for assisting him in maintaining, on the official side, liaison with union ministers, the president, governors, chief ministers, representatives of foreign governments in India and others, and on the public side, in handling various requests or complaints from members of the public addressed to the Prime Minister. In general, the jurisdiction of the Secretariat may be said to extend over all such subjects and activities which are not specially allotted to any individual ministry/department.

The Functions can be listed as,

- Assisting the prime minister in respect of his overall responsibilities as head of the government like maintaining liaison with central ministries/departments and the state governments.

- Helping the prime minister in respect of his responsibilities as chairman of the Planning Commission, and the National Development Council.
- Looking after the public relations of 'the prime minister like contact with the press and general public.
- Dealing with all references, which under the Rules of Business have to come to the prime minister.
- Providing assistance to the prime minister 'in the examination of cases submitted to him for orders under prescribed rules.
- Maintaining liaison with the President, Governors, and Foreign Representatives in the country.
- Acting as the 'think-tank' of the prime minister.

# **Module III**

## **Administration at the State Level**

### **GOVERNOR**

The governor is the chief executive head of the state. But, like the president, he is a nominal executive head (titular or constitutional head). The governor also acts as an agent of the central government. Therefore, the office of governor has a dual role. Usually, there is a governor for each state, but the 7th Constitutional Amendment Act of 1956 facilitated the appointment of the same person as a governor for two or more states.

#### **Appointment of governor**

The governor is neither directly elected by the people nor indirectly elected by a specially constituted electoral college as is the case with the president. He is appointed by the president by warrant under his hand and seal. In a way, he is a nominee of the Central government. But, as held by the Supreme Court in 1979, the office of governor of a state is not an employment under the Central government. It is an independent constitutional office and is not under the control of or subordinate to the Central government. The Constitution lays down only two qualifications for the appointment of a person as a governor. These are:

1. He should be a citizen of India.
2. He should have completed the age of 35 years.

Additionally, two conventions have also developed in this regard over the years. First, he should be an outsider, that is, he should not belong to the state where he is appointed, so that he is free from the local politics. Second, while appointing the governor, the president is required to consult the chief minister of the state concerned, so that the smooth functioning of the constitutional machinery in the state is ensured. However, both the conventions have been violated in some of the cases. In 2018, the Parliament has increased the salary of the governor from ₹1.10 lakh to ₹3.50 lakh per month. A governor holds office for a term of five years from the date on which he enters upon his office. However, this term of five years is subject to the pleasure of the President. Further, he can resign at any time by addressing a resignation letter to the President. The Supreme Court held that the pleasure of the President is not justifiable. The governor has no security of tenure and no fixed term of office. He may be removed by the President at any time.

## **Powers and Functions of Governor**

A governor possesses executive, legislative, financial and judicial powers more or less analogous to the President of India. However, he has no diplomatic, military or emergency powers like the president.

The powers and functions of the governor can be studied under the following heads:

1. Executive powers.
2. Legislative powers.
3. Financial powers.
4. Judicial powers.

### **Executive Powers**

The executive powers and functions of the Governor are:

1. All executive actions of the government of a state are formally taken in his name.
2. He can make rules specifying the manner in which the Orders and other instruments made and executed in his name shall be authenticated.
3. He can make rules for more convenient transaction of the business of a state government and for the allocation among the ministers of the said business.
4. He appoints the chief minister and other ministers. They also hold office during his pleasure. There should be a Tribal Welfare minister in the states of Chattisgarh, Jharkhand, Madhya Pradesh and Odisha appointed by him. The state of Bihar was excluded from this provision by the 94th Amendment Act of 2006.
5. He appoints the advocate general of a state and determines his remuneration. The advocate general holds office during the pleasure of the governor.
6. He appoints the state election commissioner and determines his conditions of service and tenure of office. However, the state election commissioner can be removed only in like manner and on the like grounds as a judge of a high court.
7. He appoints the chairman and members of the state public service commission. However, they can be removed only by the president and not by a governor.
8. He can seek any information relating to the administration of the affairs of the state and proposals for legislation from the chief minister.
9. He can require the chief minister to submit for the consideration of the council of ministers any matter on which a decision has been taken by a minister but which has not been considered by the



council.

10. He can recommend the imposition of constitutional emergency in a state to the president. During the period of President's rule in a state, the governor enjoys extensive executive powers as an agent of the President.

11. He acts as the chancellor of universities in the state. He also appoints the vice chancellors of universities in the state.

### **Legislative Powers**

A governor is an integral part of the state legislature. In that capacity, he has the following legislative powers and functions:

1. He can summon or prorogue the state legislature and dissolve the state legislative assembly.
2. He can address the state legislature at the commencement of the first session after each general election and the first session of each year.
3. He can send messages to the house or houses of the state legislature, with respect to a bill pending in the legislature or otherwise.
4. He can appoint any member of the State legislative assembly to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant. Similarly, he can appoint any member of the state legislature council to preside over its proceedings when the offices of both Chairman and Deputy Chairman fall vacant.
5. He nominates one-sixth of the members of the state legislative council from amongst persons having special knowledge or practical experience in literature, science, art, cooperative movement and social service.
6. He can nominate one member to the state legislature assembly from the Anglo-Indian Community.
7. He decides on the question of disqualification of members of the state legislature in consultation with the Election Commission.
8. When a bill is sent to the governor after it is passed by state legislature, he can:
  - (a) Give his assent to the bill, or
  - (b) Withhold his assent to the bill, or
  - (c) Return the bill (if it is not a money bill) for reconsideration of the state legislature. However, if the bill is passed again by the state legislature with or without amendments, the governor has to give his assent to the bill, or reserve the bill for the consideration of the president.

9. He can promulgate ordinances when the state legislature is not in session.

10. He lays the reports of the State Finance Commission, the State Public Service Commission and the Comptroller and Auditor-General relating to the accounts of the state, before the state legislature.

### **Financial Powers**

The financial powers and functions of the governor are:

1. He sees that the Annual Financial Statement (state budget) is laid before the state legislature.

2. Money bills can be introduced in the state legislature only with his prior recommendation.

3. No demand for a grant can be made except on his recommendation.

4. He can make advances out of the Contingency Fund of the state to meet any unforeseen expenditure.

5. He constitutes a finance commission after every five years to review the financial position of the panchayats and the municipalities.

### **Judicial Powers**

The judicial powers and functions of the governor are:

1. He can grant pardons, reprieves, respites and remissions of punishment or suspend, remit and commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the state extends.

2. He is consulted by the president while appointing the judges of the concerned state high court.

3. He makes appointments, postings and promotions of the district judges in consultation with the state high court.

4. He also appoints persons to the judicial service of the state (other than district judges) in consultation with the state high court and the State Public Service Commission.

## **CHIEF MINISTER**

In the scheme of parliamentary system of government provided by the Constitution, the governor is the nominal executive authority (de jure executive) and the Chief Minister is the real executive authority (de facto executive). In other words, the governor is the head of the state while the Chief Minister is the head of the government. Thus the position of the Chief Minister at the state level is analogous to the position of prime minister at the Centre.

The Constitution does not contain any specific procedure for the selection and appointment of the Chief Minister. Article 164 only says that the Chief Minister shall be appointed by the governor. However, this does not imply that the governor is free to appoint any one as the Chief Minister. In accordance with the conventions of the parliamentary system of government, the governor has to appoint the leader of the majority party in the state legislative assembly as the Chief Minister. But, when no party has a clear majority in the assembly, then the governor may exercise his personal discretion in the selection and appointment of the Chief Minister. In such a situation, the governor usually appoints the leader of the largest party or coalition in the assembly as the Chief Minister and ask him to seek a vote of confidence in the House within a month.

The term of the Chief Minister is not fixed and he holds office during the pleasure of the governor. However, this does not mean that the governor can dismiss him at any time. He cannot be dismissed by the governor as long as he enjoys the majority support in the legislative assembly. But, if he loses the confidence of the assembly, he must resign or the governor can dismiss him. The salary and allowances of the Chief Minister are determined by the state legislature. In addition to the salary and allowances, which are payable to a member of the state legislature, he gets a sumptuary allowance, free accommodation, travelling allowance, medical facilities, etc.

### **Powers and Functions of Chief Minister**

The powers and functions of the Chief Minister can be studied under the following heads:

#### **In Relation to Council of Ministers**

The Chief Minister enjoys the following powers as head of the state council of ministers:

- (a) The governor appoints only those persons as ministers who are recommended by the Chief Minister.
- (b) He allocates and reshuffles the portfolios among ministers.
- (c) He can ask a minister to resign or advise the governor to dismiss him in case of difference of opinion.

- (d) He presides over the meetings of the council of ministers and influences its decisions.
- (e) He guides, directs, controls and coordinates the activities of all the ministers.
- (f) He can bring about the collapse of the council of ministers by resigning from office. Since the Chief Minister is the head of the council of ministers, his resignation or death automatically dissolves the council of ministers. The resignation or death of any other minister, on the other hand, merely creates a vacancy, which the Chief Minister may or may not like to fill.

### **In Relation to the Governor**

The Chief Minister enjoys the following powers in relation to the governor:

- (a) He is the principal channel of communication between the governor and the council of ministers.
- (b) He advises the governor with regard to the appointment of important officials like advocate general, chairman and members of the state public service commission, state election commissioner, and so on.

### **In Relation to State Legislature**

The Chief Minister enjoys the following powers as the leader of the house:

- (a) He advises the governor with regard to the summoning and proroguing of the sessions of the state legislature.
- (b) He can recommend the dissolution of the legislative assembly to the governor at any time.
- (c) He announces the government policies on the floor of the house.

### **Other Powers and Functions**

In addition, the Chief Minister also performs the following functions:

- (a) He is the chairman of the State Planning Board.
- (b) He acts as a vice-chairman of the concerned zonal council by rotation, holding office for a period of one year at a time.
- (c) He is a member of the Inter-State Council and the Governing Council of NITI Aayog, both headed by the prime minister.
- (d) He is the chief spokesman of the state government.
- (e) He is the crisis manager-in-chief at the political level during emergencies.
- (f) As a leader of the state, he meets various sections of the people and receives memoranda from them regarding their problems, and so on.
- (g) He is the political head of the services.

Thus, he plays a very significant and highly crucial role in the state administration. However, the discretionary powers enjoyed by the governor reduces to some extent the power, authority, influence, prestige and role of the Chief Minister in the state administration.

## **STATE COUNCIL OF MINISTERS**

As the Constitution of India provides for a parliamentary system of government in the states on the Union pattern, the council of ministers headed by the chief minister is the real executive authority in the politico-administrative system of a state. The council of ministers in the states is constituted and function in the same way as the council of ministers at the Centre.

There shall be a Council of Ministers with the Chief Minister as the head to aid and advise the Governor in the exercise of his functions. The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister. The total number of ministers, including the chief minister, in the council of ministers in a state shall not exceed 15 percent of the total strength of the legislative assembly of that state. But, the number of ministers, including the chief minister, in a state shall not be less than 12. The salaries and allowances of ministers shall be determined by the state legislature. Like at the Centre, in the states too, the council of ministers consists of three categories of ministers, namely, cabinet ministers, ministers of state, and deputy ministers.

### **Powers and Functions of the State Council of Ministers**

#### **(i) Formulation of Policies:**

The Ministers formulate the policies of the government. The Cabinet takes decisions on all major problems—public health, relief to the disabled and unemployed, prevention of plant diseases, water storage, land tenures and production, supply and distribution of goods. When it has formulated a policy, the appropriate department carries it out.

#### **(ii) Administration and Maintenance of Public Order**

The executive power is to be exercised in such a way as to ensure compliance with State laws. The Constitution empowers the Governor to make -rules for the more convenient transaction of the business of the Government. All such rules are made on the advice of the Council of Ministers.

#### **(iii) Appointments:**

The Governor has the power to appoint the Advocate-General and the Members of the State Public

Service Commission. The Vice-Chancellors of the State Universities and members of various Boards and Commissions are all appointed by the Governor. The Governor cannot make these appointments at his will. He must exercise these functions on the advice of his ministers.

**(iv) Guiding the Legislature:**

Most of the Bills passed by the legislature are Government Bills, prepared in the ministries. They are introduced, explained and defended in the State Legislature by the Ministers. The Cabinet prepares the Governor's Address in which it sets forth its legislative programme at the commencement of the first session of the Legislature each year. The Cabinet makes sure that all government bills will be translated into laws.

**(v) Control over the State Exchequer:**

The State budget containing the estimates of income and expenditure for the ensuing year is placed by the Finance Minister before the State Legislature. The Legislature cannot take the initiative in the case of a Money Bill. Such a Bill must be recommended by the Governor and can be introduced only by a Minister. The initiative in financial matters lies with the Executive.

**(vi) Execution of Central Laws and Decisions of the Union Government:**

The Union Government is empowered to give directions to the State-governments in certain matters. The States should exercise their executive power so as to ensure compliance with the laws made by Parliament. They should not do anything which would hamper the executive power of the Union. Railways, for instance, is a Union subject, but police, including railway police, is a State Subject. The Union Government can give directions to the State Executive as to the measures to be taken for the protection of railways within the State.

## **STATE SECRETARIAT**

The functioning of the government is made effective with the help of task oriented Ministries. No Ministry can run smoothly without the support of a Secretariat at the Union as well as state levels. The Secretariat helps the government in policy making and execution of legislative functions. The State Secretariat, as the top layer of the state administration, is primarily meant to assist the state government in policy making and in discharging its legislative functions. It also acts "as a memory and a clearing house, preparatory to certain types of decisions and as a general supervisor of executive action". **The main functions of the State Secretariat are broadly as follows:**

- i) Assisting the ministers in policy making, in modifying policies from time to time and in discharging their legislative responsibilities
- ii) Framing draft legislation, and rules and regulations

- iii) Coordinating policies and programmes, supervising and controlling their execution, and reviewing of the results
- iv) Budgeting and control of expenditure
- v) Maintaining contact with the Government of India and other state governments
- vi) Overseeing the smooth and efficient running of the administrative machinery and-initiating measures to develop greater personnel and organisational competence.

## **CHIEF SECRETARY**

Every state has a Chief Secretary. This functionary is the kingpin of the State Secretariat, his control extending to all secretariat departments. He is not simply first among equals, he is, in fact, the chief of the secretaries. The Chief Secretary's pre-eminent position is clearly reflected in the varied roles he or she assumes in the state administrative set-up. The Chief Secretary is the chief advisor to the Chief Minister and Secretary to the State Cabinet. He is the head of the General Administration Department whose political head is the Chief Minister himself. Chief Secretary is also the head of the civil services in the state. He is the main channel of communication between the state government and the Central and other state governments. Chief Secretary is the chief spokesman and public relations officer of the state government and is looked upon to provide leadership to the state's administrative system.

### **Chief Secretary's Functions**

The principal functions of the Chief Secretary are listed below:

- He is the principal adviser to the Chief Minister
- The Chief Secretary is the secretary to the Cabinet.
- The Chief Secretary is the head of the civil services of the state.
- Chief Secretary is the coordinator-in-chief of the Secretariat departments.
- He exercises 'administrative control over the secretarial buildings.
- In situations of crisis, Chief Secretary acts as the nerve centre of the state.

# **Module IV**

## **District and local Administration**

### **DISTRICT COLLECTOR**

The institution of Collector, created more than 200 years ago, is one of the most significant institutions transmitted by the colonial rulers to independent India's public administration system. He is the highest functionary of the district Administration in the country. The office of the Collector is an important institution transmitted by the British rulers to the Indian administrative system. He performs traditional revenue function as well as development functions. Throughout the country, the power and functions of the Collector, more or less, remain the same. Broadly, the Collector performs the following functions:

#### **Revenue**

The Collector started as a revenue functionary and he continues to be the principal Revenue Officer and Head of the Revenue Administration in the district. After independence, the importance of revenue administration has become secondary. The District Collector emphasis has shifted to Development Administration, though the revenue functions still remain with the District Collector.

#### **Law and Order**

District Collector also functions as District Magistrate and is responsible for the maintenance of law and order in the district. After the separation of judiciary from the executive, the Collector is concerned with the preventive sections of the criminal procedure code. As District Magistrate, he is Head of the Police Administration of the district. In this function, Superintendent of Police who is the Head of police force in the district helps the Collector in discharge of his police functions

#### **Head of District Administration**

The Collector continues to be the Head of the District Administration. As District Magistrate, he is responsible for the maintenance of law and order. As chief revenue officer, he is responsible for the collection of revenues. He is also closely associated with several other Departments like Education, Industries, Cooperatives, Public Works, etc. In respect of



Panchayati Raj, in several States, he has a very important relationship with the Panchayati Raj bodies. As a Head of the district administration, he plays a coordinating role between different Departments like Revenue, Police and other Departments.

### **An Agent of the Government**

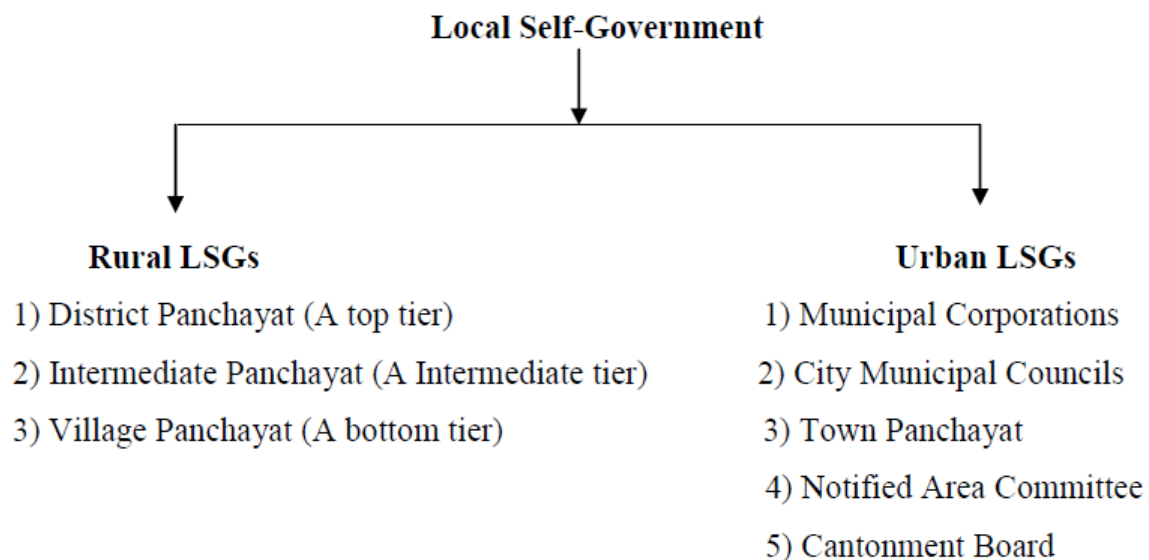
He is looked upon as an agent of the Government at the district level. He hoists the national flag on Independence and Republic days. He has several protocol functions like meeting the Ministers and other important dignitaries. In emergencies like floods and famines, he can call upon any branch of the District Administration to undertake any specific work to provide assistance.

### **Changing Role of District Collector**

- It has been observed that the 73rd and 74th Constitutional Amendments (1992) have empowered the rural and urban local bodies to function effectively. District collector has more duties and roles in this regard.
- It is evident that the District Collector will continue to be responsible for a multiplicity of tasks at the district level like improving human capabilities, improving economic opportunities for marginalised sections of society, creating physical infrastructure and facing challenges posed by disasters in her/his jurisdiction.
- S/he will have a new role in the District Administration, that is, role of a coordinator, facilitator and a person who is responsible for inter-sectoral coordination of various activities of the grassroots administration.
- S/he would provide overall leadership in the district in the task of nation building.
- The performance of Collector depends upon her/his own inclination and orientation towards the development goals.
- District Collector is directly responsible for the distribution and control of all essential commodities and goods. He issues licenses for trading in food-grains and other commodities.
- One of the important duties of the Collector is regarding training of junior IAS and state civil Service officers posted under him.
- There is an unparalleled uniqueness about the post of Collector. He can by virtue of his position act as a leader, a motivator and a people's developer.
- In the changed scenario with the adoption of socialistic pattern of society and focus on development, the Collectors in most of the states become development functionaries.

## LOCAL GOVERNMENTS IN INDIA

The political power in India is shared by three vertical units of governance – the central government, the state government and the local government. The local government includes the Panchayati Raj Institutions (PRIs) in the villages and the Municipal and Metropolitan Councils in the cities. These are known as the institutions of local self-governance (LSG). Local self-governance is democracy at the grass root level. The 73rd and 74th Constitutional Amendments have widened the scope of local self-governance.



### THE RURAL SELF GOVERNMENT IN INDIA

The Community Development Programme, which began in 1952, was India's first major development programme after independence. The main goal was to achieve overall rural development and to encourage people to participate. The administrative framework for this programme was designed to reach out to the district, tehsil /taluka, and village levels. Each of the country's districts was divided into Development Blocks, with a Block Development Officer (BDO) in charge of each. The BDO was given the task of assisting Village Level Workers (VLW). This programme, however, was a failure. Its failure was directly attributed to a low level of public participation in rural development programmes at the local level. A number of committees have been established in India to aid in the growth of Panchayats. These are a few of them

## **Balwant Rai Mehta Committee**

The Government of India appointed a Committee in 1957 to examine the Community Development Programme and the National Extension Service's operations and make recommendations for improvement. The Balwant Rai Mehta Committee was named after the chairman of the committee, Balwant Rai Mehta. In November 1957, the Committee issued its report, which recommended a democratic decentralisation scheme known as the 'Panchayati Raj.' The Committee's recommendations are as follows

- Local self-government bodies should be organised in three tiers, from village to district level, and these bodies should be linked.
- To enable these bodies to fulfil their responsibilities, there should be a genuine transfer of power and responsibility to them, as well as adequate resources transferred to them.
- All welfare and development schemes and programmes should be funneled through these bodies at all three levels.
- The three-tier system should make future power and responsibility devolution and disposal easier.
- Through a device of indirect elections, these tiers should be organically linked together.
- The Committee proposed a three-tier system of Panchayats known as Zilla Parishad, Panchayat Samiti, and Gram Panchayats.
- The Panchayat Samiti should be the executive body, while the Zila Parishad should serve as an advisory and coordination body, with the District Collector as its chairperson.

The National Development Council (NDC) accepted these recommendations in January 1958, and the Council also left it to the states to develop their own patterns that were appropriate for them. On the 2nd of October, 1959, Rajasthan became the first state to establish Panchayati Raj in Nagaur district, followed by Andhra Pradesh. Many states in the country followed the recommendations of the Balwant Rai Mehta Committee. However, because of rising corruption, inefficiency, and irregularity, it did not last long. Elections were no longer held on a regular basis, and public participation in these bodies was extremely low.

### **Ashok Mehta Committee**

The Janata Government appointed a Committee in December 1977, chaired by Ashok Mehta, with the task of investigating the causes of the poor performance of Panchayati Raj Institutions. In August 1978, the Committee issued a report with recommendations to revive and strengthen the country's ailing Panchayati Raj system. The Ashok Mehta Committee's recommendations are as follows:

- A two-tier system was proposed to replace the previous three-tier system, which included a district-level Zila Parishad and a Mandal Panchayat made up of a group of villages.
- The Zila Parishad should be the executive body, and it should be in charge of district planning.
- The Panchayati Raj should have the ability to raise funds on their own.
- A regular social audit by a district-level agency should be conducted to oversee the allocated funds for vulnerable social and economic groups.
- The Panchayati Raj Institutions should not be superseded by state governments
- To oversee the affairs of the Panchayati Raj Institutions, a Panchayati Raj minister should be appointed to the State Council of Ministers.
- Reservations for STs and SCs must be made based on the population of these institutions.

The Ashok Mehta Committee's recommendations were not implemented after the Janata government fell. On the basis of the Committee's recommendations, a few states, including Karnataka, enacted new legislation. Two important committees were formed in the 1980s to investigate local governments: the **GVK Rao Committee in 1985** and the **Dr. L.M. Singhvi Committee in 1986**. The GVK Rao Committee recommended that Panchayati Raj Institutions be revived so that they can be given more planning, implementation, and monitoring responsibilities for rural development programmes. The L.M. Singhvi Committee recommended that the Panchayati Raj Institutions be recognised and protected by the Constitution. By amending Schedule VII of the Constitution, the Committee also proposed appointing a finance commission and entrusting all rural development programmes to Panchayati Raj Institutions. Following these events, Rajiv Gandhi, India's then-Prime Minister, introduced the 64th Amendment Bill on May 15, 1989, but it failed to gain the necessary parliamentary support. A second attempt to pass the bill in Parliament was made in September 1990, but it failed. The Congress government, led by then-Prime Minister P. V. Narasimha Rao, introduced a new bill on Panchayati Raj in September 1991. It was enacted in 1992 as the **73rd Amendment Act of 1992, with minor changes, and went into effect on April 24, 1993.**

### **Salient Features of The 73rd Amendment Act**

- ❖ The Act corresponds to India's Constitution's Part IX.
- ❖ The Eleventh Schedule to the Indian Constitution was added by the Act.
- ❖ It covers Articles 243 to 243(O) and contains 29 functional items of the Panchayats.
- ❖ The Act gives the Panchayati Raj Institutions constitutional status.
- ❖ At the village, intermediate, and district levels, there will be a three-tiered Panchayat system.
- ❖ **Provisions of the 73rd Amendment Act:**
  - ✓ **(i) Gram Sabha (Article 243A):** As the cornerstone of the Panchayati Raj system, this Act establishes a Gram Sabha. It is a body made up of people who are registered on the village's electoral rolls and live within the Panchayat's village boundaries.
  - ✓ **(ii) Election of the Members and Chairpersons (Article 243C):** The people will directly elect all members of the Panchayats at the village, intermediate, and district levels. At the intermediate and district levels, the chairpersons of the Panchayats will be indirectly elected by and among the elected members.
  - ✓ **(iii) Seat Reservations (Article 243D):** The Act mandates that seats for Scheduled Castes and Scheduled Tribes be reserved in each Panchayat in proportion to their population. Reservations for other backward classes can be made by the states if they deem it necessary (OBCs). The Act mandates that at least 1/3 of the total number of seats be reserved for women. It is important to note that these restrictions apply not only to ordinary Panchayat members, but also to Chairpersons or 'Adhyakshas' at all three levels. Furthermore, one-third of the seats are reserved for women, not just in general, but also in the seats reserved for Scheduled Castes, Scheduled Tribes, and backward classes.
  - ✓ **(iv) Functions and Powers (243G):** The Panchayats may be given powers and authority by the state legislature to enable them to function as self-governing institutions. Such a scheme could include provisions for the devolution of Panchayat powers and responsibilities, such as the preparation of plans for economic development and social justice, as well as the implementation of schemes for economic development and social justice that have been entrusted to them. A State Finance Commission has also been established (under Article 243I) to look into financial matters in the Panchayats' best interests.

After the 73rd Constitutional Amendment we have in every State a three-tier Panchayati Raj Structure at the village, block and district level.

### **Gram Panchayat (Village)**

Throughout the country village panchayat is the basic unit in the structure of Panchayati Raj. As Village Panchayats have been in existence in the country since ancient times, almost all States have recognised their importance. It is also felt that as panchayats are nearer to the community, they would ensure more direct participation of the people in the implementation of development programmes. All the seats in a Gram Panchayat (GP) are filled by persons chosen by direct elections from the territorial constituencies in the Panchayat area. Seats have been reserved for scheduled castes and tribes as well as women.

### **Panchayat Samiti (Block)**

Panchayat Samiti (PS) is the next important body in the structure of Panchayati Raj. In almost all the States, Samitis have been given important role. The voters in the area directly elect their representatives in a Samiti. The State may provide representation of the Chairperson of the Village Panchayats, MPs, MLAs and MLCs. Thus the structure of the Panchayat Samitis varies from State to State. The seats are, however, reserved for scheduled castes, tribes and women.

### **Zilla Parishad (District)**

Zilla Parishad (ZP) as the third tier has been established at the district level in all the States. The structural pattern of the Zilla Parishad is the same as in the Panchayat Samiti. The voters directly elect their representatives from their constituencies. These seats have also been reserved for scheduled castes, tribes and women. The State Legislature may provide by law representation of the Chairpersons of the Panchayat Samitis, MPs, MLAs, and MLCs.

## **THE URBAN SELF GOVERNMENT IN INDIA**

The system of Municipalities or Urban Local Governments was constitutionalised through the 74th Constitutional Amendment Act of 1992. The provisions in this amendment are included in Part IXA which came into force on June 1, 1993. Therefore, it gave a constitutional foundation to the local self-government units in urban areas. The 74th Amendment Act of 1992 provides a basic framework of decentralisation of powers and authorities to the Municipal bodies at different levels. However, responsibility for giving it a practical shape rests with the States. The term 'Urban Local Government' in India signifies the governance of an urban area by the people through their elected representatives. The jurisdiction of an urban local government is limited to a specific urban area, which is demarcated for this purpose by the state government. The 74th Amendment Act has added a new Part IX-A to the Constitution of India. This part is entitled as 'The Municipalities' and consists

of provisions from Articles **243-P to 243-ZG**. Additionally, the act also added a new Twelfth Schedule to the Constitution. This schedule contains 18 functional items of municipalities. The Act provides for the constitution of 3 types of municipalities, depending upon the size and area in every state.

1. Nagar Panchayat (for an area in transition from rural to the urban area);
2. Municipal Council for the smaller urban area; and
3. Municipal Corporation for a larger urban area.

### **Composition of Municipalities**

The seats shall be filled by direct elections. For this purpose, each municipal area shall be divided into territorial constituencies to be known as wards. The state legislature may provide the manner of election of the chairperson of a municipality.

### **Constitution of Wards Committees**

This provides for the constitution of Ward Committees in all municipalities with a population of 3 lakhs or more.

### **Reservation of seats**

The Act provides for the reservation of seats for the scheduled castes and the scheduled tribes in every municipality in the proportion of their population to the total population in the municipal area. Further, it provides for the reservation of not less than one-third of the total number of seats for women (including the number of seats reserved for women belonging to the SCs and the STs). The state legislature may provide for the manner of reservation of offices of chairpersons in the municipalities for SCs, STs and women. It may also make any provision for the reservation of seats in any Municipality or offices of chairpersons in municipalities in favor of backward classes.

### **Duration of Municipalities**

The municipality has a fixed term of 5 years from the date appointed for its first meeting. Elections to constitute a municipality are required to be completed before the expiration of the duration of the municipality. If the municipality is dissolved before the expiry of 5 years, the elections for constituting a new municipality are required to be completed within a period of 6 months from the date of its dissolution.

### **Powers and Functions of the Municipalities**

All municipalities would be empowered with such powers and responsibilities as may be necessary to enable them to function as effective institutions of self-government. The State Legislature may, by law, specify what powers and responsibilities would be given to the municipalities in respect of

preparation of plans for economic development and social justice and for implementation of schemes as may be entrusted to them. An illustrative list of functions that may be entrusted to the municipalities has been incorporated as the Twelfth Schedule of the Constitution.

### **Finances of Municipalities**

It has been left to the Legislature of a State to specify by law matters relating to imposition of taxes. Such law may specify,

- ❖ Taxes, duties, fees, etc. which could be levied and collected by the Municipalities, as per the procedure to be laid down in the State law.
- ❖ Taxes, duties, fees, etc. which would be levied and collected by the State Government and a share passed on to the Municipalities.
- ❖ Grant-in-aid that would be given to the Municipalities from the State.

### **Finance Commission**

The Finance Commission, constituted under Article 243-I to review the financial positions of Panchayati Raj Institutions, shall also review the financial position of the municipalities and will make recommendations to the Governor. The recommendations of the Finance Commission will cover the following:

- ❖ The distribution between the State Government and Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State.
- ❖ Allocation of share of such proceeds between the Municipalities at all levels in the State.
- ❖ Determination of taxes, duties, tolls and fees to be assigned or appropriated by the Municipalities.
- ❖ Grants-in-aid to Municipalities from the Consolidated Fund of the State.
- ❖ Measures needed to improve the financial position of the Municipalities.

The governor shall place the recommendations of the commission along with the action taken report before the state legislature.

### **Elections to Municipalities**

The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to the panchayats and municipalities shall be vested in the State Election Commissions.

### **Audit and Accounts**

The maintenance of the accounts of the municipalities and other audits shall be done in accordance with the provisions in the State law. The State Legislatures will be free to make appropriate



provisions in this regard, depending upon the local needs and institutional framework available for this purpose.

### **Types of Urban Governments**

The following eight types of urban local bodies are created in India for the administration of urban areas

#### **1.Municipal Corporation**

The council, standing committees, and commissioner are the three organizational divisions of each corporation. The mayor is in charge of council, a legislative body, and the deputy mayor is at his side. Counsellors make up the council, and they are chosen by popular vote. A permanent committee supports the council's operations. It covers things like government job, education, taxes, health, and finances. The corporation's top executive officer, the municipal commissioner, is in charge of carrying out council and standing committee decisions.

#### **2.Municipality**

For the management of towns and smaller cities, the municipalities are constituted by the relevant state legislature's acts. They are also known by other names, including municipal council, municipal committee, municipal board, borough municipality, and municipal city municipality. The same three bodies that make up the municipal corporation exist in the municipality as well: the council, the standing committee, and the chief executive officer. They are relatively similar to municipal corporations in terms of composition, with the exception that instead of a commissioner, they have a chief executive officer or chief municipal officer. The council is also led by a vice president who serves as vice chair. The state government appoints the Chief Executive authority, who is in charge of daily administration.

#### **3.Notified Area Committee**

For the management of an area that is either an industrialized town that is rapidly developing or an undeveloped town that does not yet meets the requirements for the formation of a municipality, a notified area committee is constituted. A notification published in the gazette creates it. The only provision that applies to the Notified Area Committee's job is the one that is listed in the government gazette notification. A committee in a notified area has the same authority as a municipality. The Notified Area committee is made up solely of nominees. The State government nominates all of the committee's members, including the chairman, to a notified area committee. Thus, it is not an elected body nor is it a statutory body.

#### **4. Town Area Committee**

A tiny town's administration is handled by a Town Area Committee. It is a semi-municipal authority with a small number of civic responsibilities, including conservancy, drainage, roadways, and street lighting. A state legislature act establishes it. The Town Area Committee's makeup, responsibilities, and other issues are discussed in the act. It may be a body wholly appointed by the state government, a body wholly elected, or a body that is both entirely appointed and half elected.

#### **5. Cantonment Board**

In the cantonment zones, Cantonment Boards are set up to oversee municipal affairs for the civilian population. The union government established it and is in charge of running it. It was established in accordance with the Cantonments Act of 2006's stipulations. The Union Defense Ministry exercises administrative supervision over a cantonment board. There are currently 62 cantonment boards in the nation. There are four categories of cantonment boards: Category I, which has a population above 50,000; Category II, which has a civil population between 10,000 and 50,000; Category III, which has a civil population between 2500-10,000; and Category IV, which has a population below 2500. Members of it are chosen and nominated alternately. The President of India appoints the executive officer of the cantonment board.

#### **6. Township**

Large public enterprises create a township to offer civic amenities to their employees who live in housing colonies constructed close to the plant. All of its members, including the town administrator who oversees the township's administration, are appointed by Enterprise; it is not an elected body.

#### **7. Port Trust**

The country's port cities, like as Mumbai, Kolkata, Chennai, etc., are where the port trusts are founded. The management, security, and provision of public facilities are the goals of the port trust's establishment. A Parliamentary Act established it. Members of the port trust are both elected and nominated. Its Chairman is a representative. Its duties resemble those of a municipality in more ways than one.

#### **8. Special Purpose Agency**

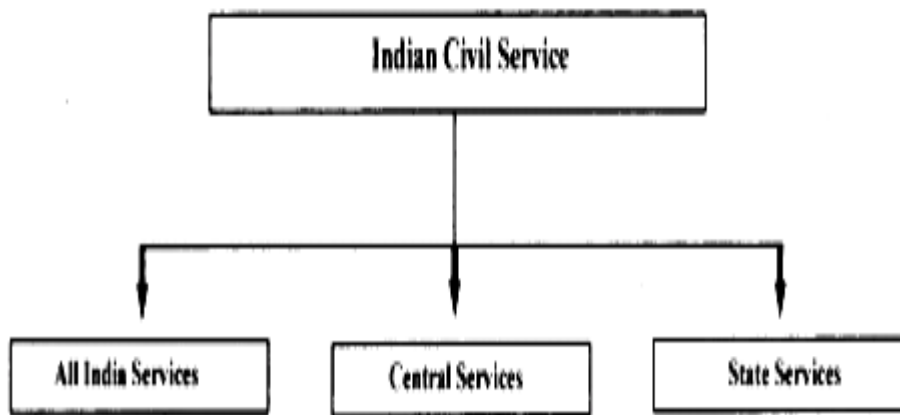
In addition to the seven categories of urban organizations mentioned above, the states may establish particular agencies to handle particular tasks that "legitimately" belong to any of the aforementioned local urban governments. Unlike other metropolitan bodies, special purpose organizations are function-based rather than area-based. Town improvement trusts, water and sewerage boards, pollution control boards, electricity supply boards, urban development authority, city transit boards,

and housing boards are a few examples of these organizations. These are created as departments by an executive order or as statutory bodies by an act of the state legislature. They undertake the tasks given to them as autonomous organizations separate from the local urban administrations.

# Module V

## Civil Service in India

### STRUCTURE OF INDIAN CIVIL SERVICES



Indian Civil Services are the backbone of the administrative machinery of the Indian government. They play a crucial role in implementing policies, ensuring effective governance, and delivering public services to the citizens of India. The Indian Civil Services are categorized into three broad categories: All India Services, Central Services and State Services.

#### **All India Services**

The All India Services consist of the Indian Administrative Service (IAS), Indian Police Service (IPS), and Indian Forest Service (IFS). These services are considered the most prestigious and coveted civil services in India. These services play a crucial role in the administration, policymaking, and implementation of various government initiatives at the central and state levels. The selection process for All India Services is highly competitive and rigorous. It is conducted by the Union Public Service Commission (UPSC) through the Civil Services Examination. The examination consists of three stages: The Preliminary Examination, the Main Examination, and the Personality Test (Interview). The All India Services, namely the IAS, IPS, and IFS, perform diverse functions that contribute to the efficient administration,

policy implementation, maintenance of law and order, protection of natural resources, and overall development of the nation. These services provide strong leadership and expertise in crucial areas, ensuring effective governance and public service delivery for the citizens of India.

### **Central Services**

The Central Services are organized into various groups and cadres, each responsible for specific domains of administration and services. In addition to the All India Services, the Indian civil services comprise a wide range of central services that play significant roles in different sectors of governance. These services are responsible for policy implementation, administration, and specialized functions in areas such as diplomacy, taxation, railways, economics, and more. Unlike the all India services, the Central Civil Services are under the exclusive control of the Central Government, its member positions only in the Central Government. The Civil Services of the Central Government comprise established services known as central civil service as well as civil posts created outside the established services, which constitute the general central service. Both the established central civil services and the civil posts are classified in the descending order of importance into Class I, Class II, Class III and Class IV. Recruitment to the Central Services Class I and II are made by the Union Public Service Commission on the basis of the unified all India Civil Service Examination. Major Central Services include, Indian Foreign Service (IFS), Indian Revenue Service (IRS), Indian Railway Services (IRS) etc...

### **State Services**

State services in India refer to the civil services that operate at the state level within the country's federal structure. These services are responsible for the administration, policymaking, and implementation of various government initiatives within their respective states. State services are crucial in ensuring effective governance, delivering public services, and addressing the needs and concerns of the citizens.

The recruitment process for state services is generally conducted by state public service commissions (PSC) through state-level examinations. The selection process involves a combination of written examinations, interviews, and sometimes, physical fitness tests. The eligibility criteria, exam pattern, and selection process may vary from state to state. State services play a crucial role in the governance and development of the respective states. They ensure effective implementation of state policies, provide essential public services to the

citizens, maintain law and order, and contribute to the overall welfare of the state. State services also facilitate decentralized governance by bringing the administration closer to the people and addressing regional concerns effectively. State services in India form an integral part of the administrative machinery, working in tandem with the central services. These services play a vital role in state-level governance, delivering public services, maintaining law and order, and promoting sustainable development within the respective states.

## **RECRUITMENT AGENCIES IN INDIA**

There are 3 major recruitment agencies for civil Services in India. They are,

1. Union Public Service Commission (UPSC)
2. State Public Service Commission (SPSC)
3. Staff Selection Commission (SSC)

### **Union Public Service Commission (UPSC)**

The Union Public Service Commission (UPSC) is one of the most prestigious and important constitutional bodies in India. It is responsible for conducting various examinations and selecting candidates for appointments to the All India Services, Central Services, and Group A and Group B posts in the government of India. Established on October 1, 1926, as a constitutional body, the UPSC operates under Article 315 to 323 of the Indian Constitution. The primary purpose of the UPSC is to ensure merit-based and impartial selection of candidates for various civil service positions in the country. The Commission is headquartered in New Delhi and has a mandate to advise the President of India on matters related to appointments, promotions, and transfers of civil servants.

#### **Composition of the UPSC:**

The UPSC consists of a Chairman and other members appointed by the President of India. The Commission is composed of a maximum of ten members, including the Chairman. These members hold office for a term of six years or until they attain the age of 65, whichever is earlier. The Chairman and members of the UPSC are appointed by the President with the advice of the Union Council of Ministers. The Chairman and members of the UPSC are independent of the executive and are not eligible for further employment under the central or state governments after retirement.

## Functions of the UPSC

- ❖ **Conducting Examinations:** The UPSC conducts various examinations, including the Civil Services Examination, Engineering Services Examination, Combined Medical Services Examination, Combined Defence Services Examination, and many others. These examinations serve as entry points for different services and posts in the government of India.
  
- ❖ **Recruitment and Selection:** The UPSC is responsible for the recruitment and selection of candidates for civil services, central services, and Group A and Group B posts. It ensures a fair and transparent selection process based on merit, allowing individuals with the requisite skills and knowledge to serve in key positions.
  
- ❖ **Syllabus Design and Examination Pattern:** The UPSC designs the syllabus and examination pattern for various competitive examinations it conducts. The syllabus is carefully structured to evaluate candidates' knowledge, aptitude, and analytical abilities, ensuring a comprehensive assessment of their suitability for the positions they are aspiring for.
  
- ❖ **Eligibility Criteria and Examination Regulations:** The UPSC sets the eligibility criteria, including age limits, educational qualifications, and other requirements, for different examinations. It also formulates and implements regulations governing the conduct of examinations, including examination centers, application procedures, and examination rules.
  
- ❖ **Appointment and Posting:** The UPSC recommends successful candidates for appointment to different services and posts in the government. It advises the President and the respective appointing authorities on the allocation of services and cadres to the selected candidates based on their ranks and preferences.

- ❖ **Advising the Government:** The UPSC advises the President and the government on various matters related to recruitment, promotions, and disciplinary actions concerning civil servants. It provides expert opinions on issues pertaining to the civil services, helping the government make informed decisions and maintain the integrity and effectiveness of the administrative machinery.

## **State Public Service Commission (SPSC)**

State Public Service Commissions (SPSC) are constitutional bodies established in various states of India to conduct recruitment examinations and select candidates for various state government services and posts. Similar to the Union Public Service Commission (UPSC) at the central level, SPSCs play a crucial role in ensuring merit-based selection, transparency, and fairness in the recruitment process for state-level administrative positions.

### **Composition of SPSCs**

Each state has its own Public Service Commission established under Article 315 of the Indian Constitution. The composition and functioning of SPSCs are regulated by state-specific laws and regulations. Generally, an SPSC consists of a Chairman and other members appointed by the Governor of the respective state. The Chairman and members of the SPSC are appointed for a fixed term, usually six years or until they attain the age of 62 or 65, depending on the state laws. The Chairman and members of SPSCs are independent of the executive and are not eligible for further employment under the state or central governments after retirement.

### **Functions of SPSCs**

**Conducting Examinations:** The primary function of SPSCs is to conduct competitive examinations for various state government services and posts. These examinations serve as entry points for candidates aspiring to join state civil services, police services, forest services, engineering services, medical services, and other administrative positions at the state level.

- **Recruitment and Selection:** SPSCs are responsible for recruiting and selecting candidates for different state government services and posts. They ensure a fair and transparent selection process based on merit, assessing the candidates' knowledge, aptitude, and suitability for the positions they are applying for.



- **Syllabus Design and Examination Pattern:** SPSCs design the syllabus and examination pattern for the recruitment examinations they conduct. The syllabus is carefully structured to evaluate the candidates' knowledge, analytical abilities, and specific skills required for the respective services and posts.
  
- **Eligibility Criteria and Examination Regulations:** SPSCs determine the eligibility criteria, including age limits, educational qualifications, and other requirements, for different examinations. They also formulate and implement regulations governing the conduct of examinations, including examination centers, application procedures, and examination rules.
  
- **Appointment and Posting:** SPSCs recommend successful candidates for appointment to various state government services and posts. They advise the Governor and the respective appointing authorities on the allocation of services and cadres to the selected candidates based on their ranks and preferences.
  
- **Advising the State Government:** SPSCs provide expert opinions and advice to the state government on matters related to recruitment, promotions, disciplinary actions, and other personnel matters concerning the state civil services. They ensure that the recruitment process is in line with the principles of fairness, efficiency, and effectiveness.

## **Staff Selection Commission (SSC)**

The Staff Selection Commission (SSC) is a prominent central government organization in India that is responsible for the recruitment of personnel in various Group B and Group C posts in government ministries, departments, and organizations. Established in 1975, the SSC conducts competitive examinations and selection processes to ensure fair and transparent recruitment based on merit.

### **Composition of the SSC**

The Staff Selection Commission is a statutory body that operates under the Department of Personnel and Training (DoPT) of the Government of India. The SSC consists of a Chairman, two Members, and a Secretary-cum-Controller of Examinations. The Chairman of the SSC is equivalent in rank to the Secretary to the Government of India, while the Members of the Commission hold the rank of Additional Secretary to the Government of India. The Commission is headquartered in New Delhi and has several regional and sub-regional offices across the country to facilitate the examination process.

### **Functions of the SSC**

- ✚ **Conducting Examinations:** The primary function of the SSC is to conduct competitive examinations for the recruitment of candidates to various Group B and Group C posts in central government ministries, departments, and organizations. Some of the prominent examinations conducted by the SSC include the Combined Graduate Level Examination (CGLE), Combined Higher Secondary Level (CHSL) Examination, Junior Engineer (JE) Examination, and Multi-Tasking Staff (MTS) Examination, among others.
- ✚ **Recruitment and Selection:** The SSC is responsible for the recruitment and selection of candidates for the advertised posts. It ensures a transparent and merit-based selection process, where candidates are assessed through written examinations, skill tests, and interviews, depending on the nature of the post. The Commission follows a structured examination pattern and evaluation process to maintain fairness and impartiality.

- ✚ Eligibility Criteria and Examination Regulations: The SSC determines the eligibility criteria, including age limits, educational qualifications, and other requirements, for each examination. It formulates and implements regulations governing the conduct of examinations, including examination centers, application procedures, and examination rules. The Commission ensures that the selection process is conducted in accordance with the prescribed rules and guidelines.
  
- ✚ Syllabus Design and Examination Pattern: The SSC designs the syllabus and examination pattern for various competitive examinations it conducts. The syllabus is carefully structured to evaluate candidates' knowledge, aptitude, and skills required for the respective posts. The examination pattern may consist of multiple tiers or stages, including preliminary exams, mains exams, skill tests, and interviews, as applicable.
  
- ✚ Appointment and Posting: Based on the performance in the examinations and as per the merit list, the SSC recommends successful candidates for appointment to the respective government ministries, departments, and organizations. The appointments are made by the concerned authorities, and the candidates are posted to their designated posts and locations.
  
- ✚ Providing Key Manpower: The SSC plays a vital role in providing key manpower to the central government ministries, departments, and organizations. By conducting efficient and transparent recruitment processes, the Commission ensures that competent and qualified individuals are selected for various posts, contributing to the effective functioning of the government machinery.

**FIRST SEMESTER (CBCSS—UG) DEGREE EXAMINATION, NOVEMBER 2021**

Complementary Course

Public Administration

PUB 1(2) C01—INDIAN ADMINISTRATION

(2021 Admissions)

Time : Two Hours and a Half

Maximum : 80 Marks

**Section A***Answer atleast ten questions.**Each question carries 3 marks.**All questions can be attended.**Overall ceiling 30.*

1. Vice President.
2. Deputy Minister.
3. Arthasasthra.
4. Collector.
5. Cabinet.
6. SPSC.
7. Central Services.
8. VeerappaMoily Commission.
9. Statecraft.
10. Lord Rippon.
11. Cabinet Secretary.
12. Spoil System.
13. Act of 1909.

14. 73rd Constitutional Amendment.
15. Federalism.

(10 × 3 = 30 marks)

### Section B

*Answer atleast five questions.  
Each question carries 6 marks.  
All questions can be attended.  
Overall ceiling 30.*

16. Write a note on Second Administrative Reforms Commissions.
17. Evaluate the powers and functions of Chief Minister.
18. Discuss the role and functions of President in India.
19. Examine the importance of State secretariat.
20. Define cabinet. Explain the functions of cabinet in Indian Parliamentary system.
21. Explain the structure of Central secretariat in India.
22. Explain the functions of UPSC.
23. Elaborate on the evolution of Indian Administration.

(5 × 6 = 30 marks)

### Section C

*Answer any two questions.  
Each question carries 10 marks.*

24. Critically explain the changing role of District Collector.
25. Write an essay on the structure and functioning of rural and urban governance after the constitutional amendment.
26. Evaluate the power and functions of Prime Minister in India.
27. Discuss the functioning of various recruiting agencies in India.

(2 × 10 = 20 marks)

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(Pages : 2)

Name.....

Reg. No.....

**FIRST SEMESTER (CBCSS—UG) DEGREE EXAMINATION  
NOVEMBER 2022**

Public Administration

PUB 1 (2) C01—INDIAN ADMINISTRATION

(2020—2022 Admissions)

Time : Two Hours and a Half

Maximum : 80 Marks

**Section A***Students can answer all questions in Section A.**Each question carries 2 marks.**Maximum Marks from the Section A is 25.*

1. National Emergency.
- ~~2.~~ 73<sup>rd</sup> Amendment.
- ~~3.~~ Arthasasthra.
- ~~4.~~ The Regulating Act 1773.
- ~~5.~~ Prime Minister's Office.
- ~~6.~~ Electoral College.
- ~~7.~~ Indian Administrative Service.
- ~~8.~~ Union Public Service Commission.
- ~~9.~~ Government of India Act 1858.
- ~~10.~~ Cabinet Secretary.
11. Veto Power.
12. Local Governments.
- ~~13.~~ Council of Ministers.
- ~~14.~~ Union List.
- ~~15.~~ District Collector.

(Ceiling 25 marks)

**Turn over**



**Section B**

*Students can answer all questions in Section B.*

*Each question carries 5 marks.*

*Maximum Marks from the Section B is 35.*

16. What are the major recommendations of First Administrative Reform Commission ?
17. Enumerate the characteristics of Mughal administration.
18. Discuss the major functions of Central Secretariate.
19. Examine the role of Vice-President in Indian Administration.
20. Briefly explain the role of Chief Secretary in State Administration.
21. Write a note on the 73<sup>rd</sup> and 74<sup>th</sup> Amendment of Indian Constitution.
22. What are the major powers and functions of Council of Ministers ?
23. Explain the structure and functions of State Public Service Functions.

(Ceiling 35 marks)

**Section C (Essay Type Questions)**

*Answer any two questions of the following.*

*Each question carries 10 marks.*

24. Examine the role played by the Chief Minister in the State Administration.
25. Discuss powers and functions of the Indian President.
26. Write an essay on Ancient Indian Administration.
27. Explain the role and functions of Collector in the district administration.

(2 × 10 = 20 marks)