

7th TEST

Marks : 300

Time : 3 Hrs

TARGETING

TNPSC

GROUP-II 2023

QUESTION
WITH SIMPLIFIED
ANSWER

MAINS WRITTEN EXAM

State Government Organisation

- Structure ●
- Function ●
- Control Mechanism ●



SURESH'
IAS ACADEMY

English Medium

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TEST

7

வெற்றி ஒன்றே
இலக்கு

Answer Key - English

Unit - 1

1) Enumerate the six pillars of effective Governance of NITI Aayog.

NitiAayog was created by an executive resolution of the Govt of India. 1

- It is also neither a constitutional body nor a statutory body.
- NITI Aayog is a Think Tank of the Govt of India.
- In the spirit of federalism NITI own policy thinking too shaped by a bottom – up approach rather than a “top – down” model.

Pillars of effective Governance of NITI Aayog

1. Pro – People 5

- Fullfills aspirations of society as well as individuals.

2. Pro – Activity

- In anticipation of and response to citizen needs.

3. Participation

- Involvement of citizenry

4. Empowering

- Women in all aspects

5. Inclusion

- Inclusion of all SC, ST, OBC, minorities, Kisaan, Gawn Gareeh

6. Equality

- Equality of opportunity for the youth

7. Transparency

- Making govt visible and responsive.
- Aayog will monitor, co-ordinate and ensure implementation of the accepted sustainable development goals.

2) What is the difference between Constitutional and Administrative Act and explain with suitable examples.

Introduction 1

- Both constitutional and administrative law, concerned with the functions of the government, are components of public law in the modern nation-state.
- Administrative law, to be more specific, is an addition to the supreme law of the land, the constitutional law.

Features	Constitutional law	Administrative law	5
Definition	Constitutional law deals with the powers, rights, and liberties established by a legally passed constitution or a charter.	Administrative law governs the Establishment & administration of the govt entities.	
Derived from	constitutional law is derived from the constitution in countries having written constitution.	administrative law is derived from legislation, administrative regulations, executive decrees, circulars, letters of instruction, conventions	
Legal Status	It is the The ultimate law of any nation-state	It is ancillary to the ultimate law.	
Nature of the law	Deals with the organs of the state and its structure	Deals with the actual functioning of the organs of the state	
Scope	Has a wide scope dealing with the powers of the State, general principles of citizens and the State.	Has a narrow scope and only deals with the powers and functioning of the administrative bodies.	
Codification	It is codified into a single text in countries with written constitution	It is not codified and there are about hundreds of thousands of administrative laws	
Examples	Some are Freedom of speech, Due process, Judicial review, Equal protection etc	Quasi- judicial bodies , Lokpal & lokayuktha act, RTI act etc	

3) What is meant by delegation of powers in Administrative law? Give its Importance.

Meaning: 2

- In Administrative law, delegation is the act of giving another person the responsibility of carrying out the performance agreed to in a Main law
- It is a technique the relieve pleasure on Administrative time so that it can concentrate on principle and execution of policies.

Types: 1

- rules and regulation, orders, notifications by executive forms a part of delegate Administrative Action.

Importance of delegation : 3

1. More time spend for higher importance of the organization
2. Delegation Allows for changing of the routine work which brings a sense of freedom
3. Subordinate gets to learn new work, which helps in the growth of the employee
4. Provides an opportunity to develop new skills that can improve subordinate Job levels.
5. Delegation motivate the subordinate as they feel trusted and appreciated in the Organization.
6. Direct benefit of this is improvement in employee morale and productivity.

4) Chief Minister is the defacto head of the government in the State - Explain.

Why CM is Real power center(Defacto head):

Reasons for Chief Minister as the Defacto head of State Primary liaison between Governor & CoM 6

- Communicate to the Governor on all decisions of the CoM relating to the administration affairs of state and proposals for legislation
- Furnish the information of the same when Governor requires.

Primary Spokesman of the state

- He is the Governor's chief advisor, the leader of the majority party in the state legislature
- The most powerful leader of his party.

Official representative of the entire state

- It is only according to the advice of CM the Governor appoints ministers.
- Directs, guides and controls activities of all the ministers & on the resignation of the CM, the Ministers also resign.

Chief architect of the state government's policies

- All the policies are announced by him on the floor of the house.
- The Chief Minister communicates all policies and decisions to the people of the state through the media.
- He holds regular or periodic press conferences in which he informs the citizens of the state about how the government is working.

Allocation of Portfolios

- Allocation and reshuffling of portfolios among ministers & in case of difference of opinion, he can ask minister to resign.

Dissolution of the assembly

- He has the authority to recommend to the governor the dissolution of the legislative assembly at any time
- Hence Chief Minister is the De facto head of the state Government

Ensure Smooth function of state:

- For smooth functioning of the state and for good Central – State relation he has to develop a rapport with the Union Government.

Real crisis manager of state government:

- During Calamities, disturbances etc.,

5) What are the exceptions when the President of India not to bound by the aid and advice of the council of ministers?

President: 1

- The President of India is bound to follow the advice of the council of ministers.
- President is a nominal head of state while real executive powers are vested with the Prime Minister
- There are contain exception when the President of Indian is not bound by the aid and advice of the Council of ministers
- In such cases the president can work using his own discretionary powers.

Exceptions when the President of Indian to bound by the aid and advice of the council of ministers

1. During Appointment of Prime Minister 5

- When no single party attains majority after elections to the Lok Sabha the President can appoint a person on his own descretion among the contenders.
- Example- In 1984, President Zail Singh appointed Rajiv Gandhi as PM following the assasination of Indira Gandhi

- In 1989, President Venkataraman appointed V P Singh as PM

2. Asking for Information

- The President can ask information to the PM on the functioning of the Government according to article 78 of the Indian Constitution

3. Reconsideration of Issue

- According to Art. 74 and Art 111, President can seek reconsideration of an issue from the Council of Ministers
- But after reconsideration of the issue by the houses with or without amendments made, the President must give his assent.

4. Exercising Veto Power

- No action can be taken on the bill by the President
- Example- ZailSingh used a pocket veto to refuse assent to the “Post Office (Amendment) Bill” in 1986 to show his opposition to the bill.
- The bill was later withdrawn by the V. P. Singh Government in 1990

6) How the Chief Minister of State appointed according to constitution?**Chief Minister: 3**

- Chief Minister is the real head of the state. The Chief Minister shall hold the office during the pleasure of the Governor

Appointments:

- Act 164 of the constitution envisages that the Chief Minister shall be appointed by the Governor
- (i) A leader of the party that has got the majority slave of votes in the assembly elections.
- (ii) A person who is not a member of the state legislature can be appointed as Chief Minister for 6 months.

Term of the CM: 1

- The term of the Chief Minister is not fixed and he holds office during the pleasure of the governor
- He cannot be dismissed unless, until he enjoy the majority state assembly

Governor may use situational discretion 2

- If the CM does not become a member of either house within 6 months, he loses his position as CM
- The party (or) coalition that obtains a majority in the house elects its loader and notifies the Governor

- When lacks the clear majority, the Governor often approaches the leader of the single largest party to form the Government.

7) Write about an ARC recommendations to improve the relation between Secretariat and Directorates**ARC recommendations to improve the relation between Secretariat and Directorates****Transfer of Executive Functions 6**

- Executive functions performed by Secretariat should be transferred to the appropriate organizations.
- Set up two staff cells namely-Combined cell on planning & Policy
- Finance cell

Department of Personnel

- A new department of Personnel should be under the charge of Chief Secretary and be placed under Chief Minister

Policy Advisory Committee

- It should be set under each administrative department with the Department Secretary as its head/chairman
- help in the formation of long- term or strategic policies
- ensure that those policies are translated to operational programmes
- review the progress in implementation
- develop greater organizational & personal competence in both Secretariat & executive depts

Ex-Officio Secretarial Status

- This is to ensure that both posts, the Director and the Secretary are combined in a single individual.
- This will eliminate the need for scrutiny of schemes in two offices and enable the Director to sign on behalf of government by virtue of being ex-officio Secretary.
- Though this will blur the line of demarcation between policy-making and its execution, it will make entire process more speedy, result oriented and accountable

Amalgamation of Secretariat & Directorate

- Permits adequate interaction between the policy-making and policy implementing agencies.
- Eliminates duplication, cuts and delays.
- Improves the quality of performance.

8) Write down the composition of GST council? What was the reflection in recent Chandigarh council?

Composition of GST Council 3

- **Chairman** - Union Finance Minister
- **Members**-Union Minister of State of Revenue /Finance
- One Member from each state who is in charge of Finance/Taxation
- **Vice Chairman** - Mutually elected among the members
- **Ex-officio Secretary** - Secretary of Revenue Department
- **Permanent Invitee**- Chairperson of the Central Board of Excise and Customs with no voting rights.

Weightage of vote 1

- The vote of the Central Government shall have the weight of one-third of the total votes
- The votes of the State Government shall have the weight of two-third of the total votes, cast in the meeting

Recent GST Council meet at Chandigarh 2

1. The GST Council deferred decision on levying a 28 % tax on casinos, online gaming, horse racing and lottery pending more consultations with stakeholders
2. Online gaming should be taxed at the full value of the consideration, including the contest entry fee paid
3. No decision was taken regarding GST compensation which was raised by Ministers of 16 States
4. On five year completion from 2017 to 2022 , the loss of revenue and its compensation is further extended due to Pandemic(2 years loss)

9) Discuss - Justice delay is justice denied

Justice delayed is Justice denied 3

1. The Judiciary is meant to guarantee the protection of citizens rights at every instance
2. But in practice, the Indian Justice system is not only erratic, but also extremely slow, resulting in Justice being denied to a lot of people
3. If the justice is delayed by any cause it is very harmful to the people of any society.
4. The chief Justice of India has also recommended that the awareness Committee of each high court meet at least once a month
5. This would help to monitor the progress of all cases

Reasons for Judicial delay: 3

1. Large number of unfilled Judicial Vacancies
2. Long drawn Judicial process
3. Fast growing population
4. Lack of Infrastructure (Chief Justice Dipakmisra has described that the lack of Infrastructure)
5. Mounting number of appeals
6. Shortage of Judge in courts
7. Lack of will and capability to decide cases

10) Define administrative law and explain its components.

Administrative law 2

- As per Ivor Jennings- the Administrative law is the law relating to administration. Which determines the organization, powers and duties of administrative authorities.

It includes law relating to the 4

1. Rule-making power of the administrative bodies
2. The quasi-judicial function of administrative agencies
3. Legal liabilities of public authorities and
4. Power of the ordinary courts to supervise administrative authorities.

Components of Administrative Law

1. **powers**

- deals with the composition of administrative authorities and their powers
- has limits of these authorities' powers
- It includes procedures to be followed in the exercise of those powers by these authorities.
- It controls these administrative authorities by judicial and other means

2. **duties**

- It deals with the relationship of individuals with the government.
- It determines the organization and power structure of administrative and quasi-judicial authorities to enforce the law

3. **rights**

- removes the inadequacy of legislative processes
- Example - RTI act of 2005, Lokpal&Lokayuktha act 2013.

4. **responsibilities**

- function for the benefit of people
- requirement of more laws to deal with complex problems of people
- Formation of administrative Tribunals
- example - Competition appellate tribunal

11) According to constitution compare - Pardoning power of President with Governor. 6

Features	Pardoning power of President	Pardoning power of Governor
Constitutional Provision	Article 72 -President has the power to pardon,respite,remite,suspend,reprieve or commute the sentence of a person of any offence which is death sentence.	Article 161 - Governor can grant pardons, reprieves, respites or remissions of punishment, suspend, remit or 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
Court Martial	The power of the President to grant pardon extends in cases where the punishment or sentence is by a Court Martial.	No such provision for Governor to pardon punishment by Court Martial
Death Sentence	The President can grant pardon in all cases where the sentence given is the sentence of death.	Pardoning power of the Governor does not extend to death sentence cases.
Nature of Offence	His pardoning powers are granted for the cases where the convict has committed an offence against a Union law	His pardoning powers are granted for the cases where the convict has committed an offence against a state law
Example issues in pardoning	Maru Ram v Union of India, the Constitutional Bench of the Supreme Court held that the power under Article 72 is to be exercised on the advice of the Central Government and not by the President on his own.	Claim made by the Centre that the President had "exclusive powers" to decide whether to pardon Rajiv Gandhi assassination convict and not the Governor

12 Write short notes on Changing role of Prime Minister Office.

Changing role of Prime Minister office:

Prime Minister office: 1.5

1. The PMO came into existence in 1947 by replacing the Secretary to the Governor-General (Personal).
2. Till June 1977, it was called as the Prime Minister's Secretariat (PMS).
3. It assist a prime Minister
4. Plays important role in decision making at top level of Government of India
5. Provides Secretariat assistance and crucial advice to PM

Changing role of PMO 4.5

1. PMO has become a necessity in last two decades
2. Governance has increased in its complexity and scope.
3. The international situation is more complicated.
4. This office is the mirror to the incumbent's character, personality and style of functioning of PM.

5. PMO is more powerful due to influence of PM over political party internally, full majority in the lower house and dominating personality characteristics.

13) What are the Discretionary power and functions of Governor.

Constitutional Discretion 3

1. Reservation of a bill for the President's consideration.
2. Recommendation for implementing President's Rule in the state.
3. While performing his duties as the administrator of a neighbouring union territory (in case of additional charge).
4. Determining the amount payable to an autonomous Tribal District Council as royalty from mineral exploration licences by the governments of Assam, Meghalaya, Tripura, and Mizoram.
5. Seeking information from the chief minister about state administrative and legislative matters.

Situational Discretion 3

1. Appointment of a chief minister when no party has a clear majority in the state legislative assembly or when the current chief minister dies unexpectedly and there is no obvious successor.
2. Dismissal of the council of ministers when it is unable to demonstrate the confidence of the state legislative assembly.
3. Dismissal of state legislative assembly when the council of ministers lose their majority.
4. Furthermore, the governor is charged with specific duties that must be carried out in accordance with the President's directives. In this regard, the governor, while required to consult the council of ministers led by the chief minister, acts at his discretion

14) Write about constitutional position of President? 6

- Articles 53, 74, and 75 of the Indian Constitution should be considered while assessing the President's constitutional status in the following manner.
- Article 53 vests the executive power of the Union in the President, but he is required to exercise his powers in accordance with the Constitution.
- Article 74 of the Constitution says that there shall be a Council of Ministers to aid and advise the President the exercise of his functions and he has to act in accordance with such advice
- Article 75(3) lays down that the Council of Ministers shall be collectively responsible to the House of the People. There is no provision in the Constitution that makes the President answerable to the legislature.-Article 54 and 55 of Indian Constitution informs us of the manner and the election process of the President of India.
- Article 58 of the constitution lays down that the person to be eligible for the president should be at least 35 years of age, a citizen of India, and should be qualified to be a member of the Lok Sabha. A person is also not qualified to stand for election as President if he holds the office of profit.
- Under the parliamentary form of government as embodied in our Constitution, the President is the constitutional or formal head of the Union and he exercises his powers and functions conferred on him by or under the

Constitution on the aid and advice of his Council of Ministers. So also is the constitutional position of the Governor in the States.

15) Short notes on "Judicial Review"

Meaning: 2

- It is a type of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body.
- The Indian Constitution adopted the Judicial Review on lines of the American Constitution.
- India follows Procedure Established by Law.
- It means that a law enacted by the legislature or the concerned body is valid only if the correct procedure has been followed to the letter.
- With the power of judicial review, the courts act as a custodian of the fundamental rights.

Importance 2

- It is essential for maintaining the supremacy of the Constitution.
- It prevents the tyranny of executives.
- It maintains the federal balance.
- It is essential for checking the possible misuse of power by the legislature and executive.
- It is essential for securing the independence of the judiciary.
- It protects the rights of the people.

Limitations 2

- Judicial Review limits the functioning of the government.
- It is designated only to the higher courts like the Supreme Court and the High Courts.
- Repeated interventions of courts can diminish the faith of the people in the integrity, quality, and efficiency of the government.
- The judiciary cannot interfere in political questions and policy matters unless absolutely necessary.
- It violates the limit of power set to be exercised by the constitution when it overrides any existing law.

16) List the recommendations given by first ARC in connection with status and role of Cabinet secretary.

First ARC recommendation about status and Role of cabinet secretary

Cabinet Secretary: 1

- The office of cabinet secretary was created in India in 1950
- The cabinet secretary is the head of the cabinet secretariat
- He is the senior most civil servant in India

1st ARC recommendations: 5

1. He should act as a general coordinator of central Administration
2. He should also act as a principal staff advisor to the prime Minister
3. The advice given by him on policy matters should be tendered by him at his own level
4. He, to be effective, should have a tenure of three to four years.
5. The role of the Cabinet Secretary should not be limited to that of the coordinator but be a principal staff advisor to the PM, the cabinet and the cabinet committee on policy matters
6. The PM along with Cabinet Secretary & Central personal agency should take special interest in arresting the growth of unhealthy personal affiliations to individual Ministers among civil servants

17) Explain in detail various Role of Cabinet.**Cabinet: 6**

- In the parliamentary Government, the cabinet is described as the committee of parliament
- The cabinet brings together the executive and legislative branches

Role of Cabinet**1. Decision-making authority**

- in both political and administrative system

2. Policy formulation

- plans the legislative programme at the beginning of each session of Parliament and determines priorities.
- Cabinet Ministers formulate policies, make decisions and draft Bills on all significant matters

3. Supreme Executive authority

- It superintends, supervises and directs the work the civil servants do all over the Union.

4. Chief Coordinator

- Co-ordinate and guides the functions of the several Ministries and Departments of Government.

5. Chief crisis Manager

- He is in charge of all emergency situations

6. Control over finance

- Cabinet is responsible for the whole expenditure of the State and for raising necessary revenues to meet it. The Cabinet does not discuss the Budget.
- The final decision is that of the Finance Minister.

18) Discuss about the constitutional linkage between Chief Minister and Governor.**Governor: 0.5**

- Governor is chief executive head of the state. The governor of a state shall be appointed by the president. His usual term of office is five years
- The governor is regarded as the constitutional head of the state

Chief Minister: 1

- Chief Minister is the real executive, he is selected based on the majority party. He is indirectly elected by people.
- The Governor acts as the nominal head whereas the real power lies with the Chief Minister of the state.

Constitutional Linkage between CM & Governor**Article 163 4.5**

- The governor is advised by the council of ministers which is headed by the Chief Minister.
- but When the governor acts at his own discretion, no advice is needed by the council

Article 164

- Governor appoints Chief Minister and later Chief Minister recommends Governor on the appointment of ministers

Article 167

- Chief Minister has to communicate all administrative decisions that are taken up by him and the council of ministers to the governor
- These are the constitutional linkage between the Chief Minister & Governor

Unit - 2**1) What are the crucial role played by Prime Minister's office in Union Administration.****Prime Minister Office****Introduction 2**

- PMO is a staff agency and extra constitutional body.
- Providing secretariat assistant and crucial advice to the Prime Minister

- PMO enjoys the status of a dept of the Gol under the allocation of Business rules 1961.
- It has no attached and subordinate office.

Evolution of PMO 2

- Prime Minister Secretariat came into existence in 1947.
- It is was called as Prime minister secretariat until 1977 and was renamed as Prime Minister office during Moraji Desai Ministry.

Need of PMO in India 2

- Increase in the complexity and scope of government and to handle them a technically and efficient staff agency is required.
- Solving the problems of coordination between Ministers .
- PMO serves as an office setup to the Prime Minister.

Structure of PMO

Political head

- Prime Minister

Administrative head

- Principal Secretary

Secretaries

- One/two additional secretaries
- 5 Joint secretaries
- National Security Advisor
- A number of directors/deputy secretaries and under secretaries

Crucial roll of Prime Minister Office Acts as a Co nduit 6

- Maintaining communication with the centers ministries department and the state government.
- Maintains harmonious relationship with the President, Governor and Foreign representatives in the court.
- Looks after the public relations of the Prime Minister like content with the press and general public.

Think – tank of PM

- It deals with all subject that are allotted to any dept / ministries.
- Assists PM, in his overall responsibilities as head of Government- Important defense related issues.
- Special packages announced by the Prime Minister for states are monitored in the PMO and periodical report's submitted to Prime Minister.

Helps in Discharge of responsibilities of PM

- Help the PM in his responsibilities as chairman of NITI Aayog and the National development council.
- Deals with all reference which under the Rule of business related with Prime Minister

Management of Funds

- The Prime Minister's National Relief Fund(PMNRF) and National Defence fund(NDF) are directly operated from PMO.
- The Prime Minister's National Relief Fund was established in January 1948 as Trust, by then Prime Minister, Jawaharlal Nehru, with public contributions to assist displaced persons from Pakistan, due to partition of India.

PMO Grievance portal

- **CPGRAMS**(Centralized Public Grievance Redress and Monitoring System) is a single portal for citizens to lodge a grievance to public authorities.
- It is an online platform available for 24*7 and is connected to all Ministries/Departments of GOI and States.

Conclusion

- Thus the degree of status and influence of PMO has been a reflection of personal nature of PM and responsive nature of politico-administrative situation.

2) Explain the Powers and Functions of Chief Secretary.

Chief Secretary

Introduction 0.5

- The Chief Secretary is the executive head of the State secretariat.
- He stands at the apex of the hierarchy of state administration
- He is the 'linchpin' of administration.
- He acts as the ex-officio Chairman of State Civil Service Board.

Appointment of Chief Secretary 1

- Chief Secretary is chosen by the Chief Minister.
- As it is an executive action taken by the CM, the appointment is taken in the name of the Governor of State

Present Tamilnadu Chief secretary 1

- V.IraiAnbu IAS from 202

1. Tenure

- The office of the Chief Secretary has been excluded from the tenure system

- There is no fixed tenure.

Position of Chief Secretary **1**

- The post of Chief Secretary is the senior-most position in the civil services of the states and union territories of India.
- The Chief Secretary is the chief advisor to the Chief Minister in all matters of the cabinet.

Functions **8****1. Advisor to the CM**

- Principal advisor to the CM in all matters of State administration
- CM consults the Chief Secretary on all policy related to the Governance of State

2. Secretary to the cabinet

- He prepares the agenda for cabinet meeting and keeps the records of its proceedings. He takes steps for the implementation of the decisions taken at such meetings.

3. Head of Civil service

- He deals with all cases related to appointment, transfers and promotion of senior state civil servants.
- He is the conscience keeper to all state civil servants

4. Chief coordinator

- Coordination of State administration
- Inter departmental coordination
- He presides over Meeting of the departmental secretariat & district collectors' conference.

5. Head of various departments

- Administrative head of some departmental secretariat.
- General administration department, personal department, planning department and Administrative reform department are directly under the charge of the Chief Secretary.

6. Chief Administrator

- Flood, drought, communal disturbances and other extreme situations play a very significant role.

Other functions

- He plays a significant role in the administration of law and order and planning.
- He is the principle channel of communication between government, the central government and other state governments.

Conclusion **0.5**

- He is the spokesman of the state Government and attends the meetings of National Development Council (NDC).

- The functions performed and the roles assumed by Chief Secretary in the state administration are so vast, varied and wide when compared to Cabinet Secretary which is shared among Home Secretary, Finance Secretary and Personal Secretary at central level.

3) Explain the method of election of President, tenure and impeachment Procedure?**President****Introduction** **1.5**

- President of India (Article 52) is the first citizen of India, and he is the Head of State
- He is the nominal executive authority (Article 53)
- He has the legislative, Administrative, financial power, Judicial power, military powers.

Constitutional Provisions

- **Article 54** - Election of the President
- **Article 55** - Manner of Election of the President
- **Article 56** - Term of Office of the President
- **Article 57** - Eligibility for Re-election
- **Article 58** - Qualifications of President

Election of the President **2**

- Indirect election with single transferable vote
- Voting by secret ballot - Must secure absolute majority of votes.
- Art - 71 - Disputes regarding election referred into & decided by Supreme Court whose decision is final.

Electoral college **2**

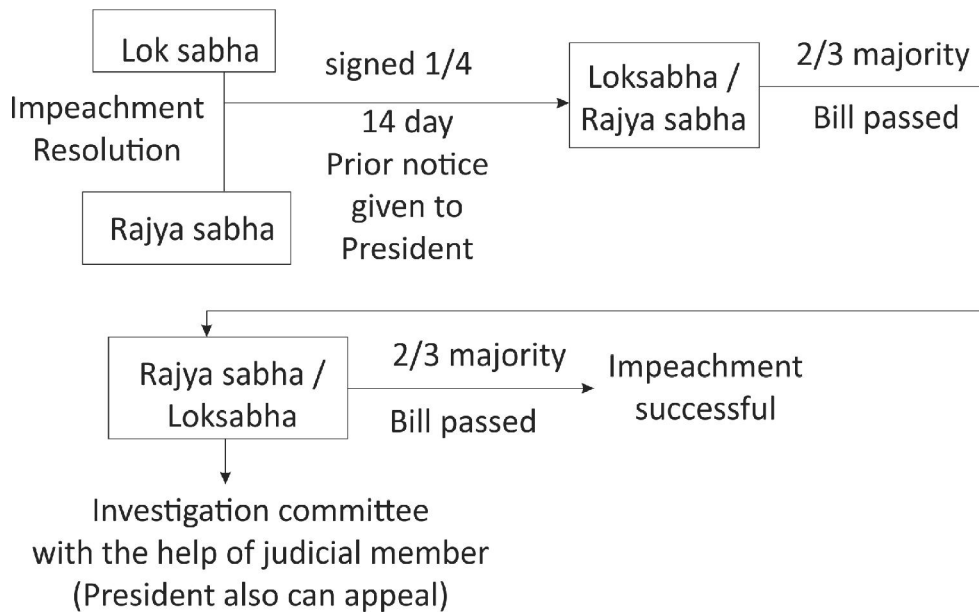
1. Elected Members of the Upper and Lower Houses of Parliament (Lok Sabha & Rajya Sabha MPs)
2. Elected members of the Legislative assemblies (MLAs)
3. Art 55 Nominated members do not participate in President election

Tenure **2**

- 5 year
- He can resign by writing letter to Vice President.
- Can be removed from impeachment (Art 61)
- Eligible for re-election to the office (Art 57)

Impeachment **4**

- Art 61
- Violation of the constitution



Who can participate

1. Loksabha – elected and nominated member
2. Rajyasabha – elected and nominated member

Who Cannot participate

1. Nominated members
2. Elected members of legislative assemblies of state and UTs of Delhi & Puducherry.

Conclusion

0.5

- The President is Elected through electoral college consisting members of Parliament and MLAs and holds the term of office for 5 years.
- Interestingly in India no president has been impeached so far.

4) “Indian President post is not a rubber stamp” above the stmt proved by. Write about the persons who have been functioned since Republic to prove this statement.”

Introduction

2

- Indian President is differs from US President.
- He has the lot of power in the constitution of India.-But he have to act according to the aid and advice of council of ministers. (Art 74)
- But he have the discretionary power to act accordance with the situation of country.
- To stable of Government. He should act independently with the help of constitution.

Rubber Stamp or not

2

- Indian President is not Rubber Stamp posting, this can be clearly visible in certain President of Indian actions.

- He is the last option against the major political party decision.
- Opposition party have the great confidence of President of India.
- Incase the major political party decision against welfare of people and country.

Powers

2

- When the emergency, situation crises in India, he have to take the major decision.
- He can call the Prime Minister and council of minister to hear the explanation of administration.
- When the bills becomes act after the President sign.

President who act independently to enhance the power of President.

6

Rajendra Prasad

- First President of India
- Two times he was the President of India.
- He is not good relation with Jawaharlal Nehru
- He notify that if the major political party to form the Govt, also they can't intervene the President power.

Jai Singh

- After the death of 1984 Indira Gandhi, he formed the another Prime Minister suddenly.
- This case implies that President has the power to make the decision in emergency situation.- 1987, he returned the bill which is against the public.

Shankar Thaval Sharma

- In 1996 two Administrative decision was resend to the council of minister.

K.R.Narayan

- Without aid and advice of Govt, he publish lot of decision
- He gave the interview which is against the convention of India.
- He return the decision of President Rule to UttarPradesh. This decision is taken by council of ministers.
- He met the lot of foreign leaders.

Pranap Mukherjee

- The Government don't make the lot of ordinance to farm the laws.
- This will silute the democratic condition of Parliament.

Conclusion

- In supreme court also said in the lot of verdict President and Governor should not act Govt Rubber Stamp.
- Instead that he should act according to the constitution to the welfare of the people.

5) Give a detailed account on the Finance Commission.**Finance Commission****1**

- It is a Constitutional body for the purpose of allocation of certain revenue services between the Union & State Governments.
- It was established under Article 280 of the Indian Constitution.
- Finance Commission is appointed by the President 5 years once.

Historical background**1**

- The basic draft of the provision of the finance commission of India was made in the early 1920.
- First finance commission was formed in 1952 under the Chairmanship of Shri K.C.Neogy in 1952.

Duties of the Commission**1**

- The Finance Commission makes recommendations to the President on the following
1. The distribution between the Union and the States of the net proceeds of taxes
 2. The principles which should govern the grants in aid of the revenues of the States out of the Consolidated Fund of India.

- The President lays recommendation made by Finance Commission and its explanatory memorandum before each house of Parliament

State Finance Commission**1**

- State Finance Commission for the states of India are constituted under the constitution 73rd Amendment Act 1992 to look after the matter of local Governments

Composition**1**

- Chairman with Experience in public affairs
 - Consists of Four other members.
1. Qualified to be appointed as judges of the High court.
 2. Special knowledge in the finances and accounts of the govt.
 3. Had wide experience in financial matter and in administration.

Disqualification**1**

- Unsound mind
- Committed a heinous act
- Conflict of interest

Functions of the Finance Commission**5**

- The Commission decides the basis for sharing the divisible taxes by the centre and the states and the principles that govern the grants-in-aid to the states every five years.
- The steps required to extend the consolidated fund of a state to boost the resources of the panchayats and the municipalities of the state on the basis of the recommendations made by the state Finance Commission.
- Finance commission suggestion, suggest the appropriate measures to raise the consolidated fund of the states for the development of panchayats in the state
- Any other subject that the President refers to the panel in the interest of President Financial management.
- Any matter in the interest of sound finance may be referred to the Commission by the President

Conclusion**1**

- The 15th Finance Commission was constituted by the President of India in November 2017, under the chairmanship of NK Singh from 2021-22 to 2025-26.
- In the 15th finance commission to develop 41% of the taxes to the states is positive move towards the decentralization of finance.

6) What are the similarity and distinction of Chief Secretary Vs Cabinet Secretary?

Chief Secretary Vs Cabinet Secretary

Chief secretary

- The Chief Secretary is the executive head of the state secretariat.

Cabinet secretary

1

- The cabinet secretary is the executive head of the central Govt secretariat.

Chief Secretary Vs Cabinet secretary 6

- There is no office in the union / Govt that can be equated to that of Chief secretariat in the state
- To some extent the cabinet secretary at the central level can be called as the counter part of Chief Secretary.

Cabinet secretary	Chief secretary
Cabinet Secretary is not the administrative head of cabinet secretariat	Chief Secretary is the administrative head of State secretariat
Power and function are low	The power and function are high
He / She is not the residual legatee at the central level	Chief Secretary is the Residual legatee at the state level
Residual Legatee to PM is Principal Secretary and not cabinet Secretary	In state level, Chief Secretary is the Residual legatee to CM
Cabinet secretary is not the chief of central secretaries but only 'primus inter pares'	Chief secretary is the chief of state secretariat
No department of the central secretariat is under the direct charge of cabinet secretary	Some dept the state secretariat directly under the charge chief secretary

Similarities

5

1. Both the Chief advisors to their respective Chief executives.
2. Chief co-ordinates of their respective administrations.
3. Secretaries to their respective cabinets.
4. Administrative head's of their respective cabinet secretariat.
5. Both the offices originated at the central level.
6. Both the heads of their respective civil services.

7) Explain the discretionary power of the President and limitations on it.

Discretionary power

1

- Article 74 states that All important decisions regarding the country are taken in the name of Indian President, though most of these will be based on the binding advice given by Council of Ministers(CoM)
- But in case of Discretionary power of the President, it is not based on the advice of council of ministers.
- The discretionary power of the Indian President are not explicitly mentioned in the Indian constitution.

The cases of discretionary powers are

1. Absolute Veto

7

- President can withhold the assent to the bill. In such cases the bill gets rejected and it can not become a law.

- example - President Dr. Rajendra Prasad, in 1954 withheld the assent for the PEPHU Appropriation Bill, the reason was that the Bill was passed by the Parliament during the president's rule but by the time of presidential assent, it was revoked.

- President R Venkataraman, also withheld the Salary, Allowances and Pension of Members of Parliament (Amendment) Bill.

2. Suspensive Veto

- When he returns a bill (not money bill) for reconsideration of the parliament.
- Again the bill passed with (or) without amendment the President it is obligating for give to give his assent to the bill.
- Example - President R Venkataraman, 1989, sent the Indian Post Office (Amendment) Bill back for reconsideration, however, the then National Front Government dropped the bill.

3. Pocket Veto

- The President neither ratifies nor reject nor return the bill but simply keeps the bill pending for an indefinite period.
- There is no time limit mentioned in the constitution.
- example -Zail Singh, the President of India from 1982 till 1987, exercised a pocket veto to prevent the Indian Post Office (Amendment) Bill from becoming law.
- In US, Time limit for Pocket Veto is 10 Days only.

4. President can seek information from Prime Minister

- Art 78 - The President can seek information from the PM regarding the administration of the affairs of the union.
- The President has the right to warn (or) encourage the COM in the exercise of its power.

5. Case of no sitting of both houses

- under Art 85, The President can summon each house of Parliament to meet at such time and place as he thinks fit.
- It is to ensure that six months shall not intervene between its last sitting in one session and the date appointed for its sitting in the next session.

6. Case of no majority

- When there is No majority in Political party and coalition of party then the President has discretion in inviting the lead of that party to form a stable government.

7. Case of no-confidence with council of minister dissolving Lok Sabha

- The President can decide if he should dissolve COM or not when COM loses the majorities.

8. Case of caretaker government

- Care taken govt do only the day – to-day administrative decisions.
- It is for the President to decide the day-to-day decision.

Limitations on President: 4

- The President is head of the State and not the head of Govt.
- He exercises only nominal power and that too on the advice of the council of ministers (Art 74)
- The council of ministers give the same advice again President bound to act according to it.
- President can send the reconsideration of Bill, but when sent again with or without amendment, President is bound to give the assent to the bill.

8) Explain powers and functions of Chief Minister.**Chief Minister**

- According to the constitution of India Chief Minister is the real head in the State executive.
- Under Article 164, The Chief Minister is appointed by the Governor of the state
- A leader of the party that has got the majority share of votes in the assembly elections, is appointed as the Chief Minister of the state.

Powers and functions of the Chief Minister**a. Relation with council of ministers 3**

1. Chief Minister recommends governor in the appointment of ministers
2. He allocates and reshuffles the portfolios among Ministers
3. He guides, directs, controls and co-ordinate the activities of the minister.
4. On the resignation of the CM, the council of Ministers also resign as a result of Collective Action.

b. Relation with Governor 3

1. Art 167 – CM is the Communication channel between Governor and the state council of Ministers.
2. CM advises the Governor regarding the appointment of important officials like advocate general, chairman and members of the State Public Service Commission, State Election Commission, etc.

c. Relating to State legislature 3

1. Before a governor prorogues and summons the sessions of the state legislature, the Chief Minister's advice is a must
2. Announce the government policies on the floor of the house
3. Can introduce the bills in the legislative assembly
4. Recommend for the dissolution of the legislative Assembly to the Governor.

Other important Functions 3

1. He is the chief spokesman of the state Government
2. He is the Chairman of State Planning Board
3. He is the Member of Inter-State Council and Governing Council of NITI Aayog both headed by the PM.
4. He is the Crisis Manager-in-Chief at the political level during emergencies.
5. As a leader of the state, he meets various sections of the people and receives memoranda from them regarding their problems
6. He has to supervise, control, Co-ordinate the secretaries of various department in the state level.
7. He acts as a vice-chairman of the concerned zonal council by rotation, holding office for a period of one year at a time. He plays a crucial role in the state administration

9) Describe the procedure for amending the Indian Constitution. 0.5

- Concept of Amendment is adopted from South Africa.
- Art 368 in Part XX of the constitution deals with the powers of parliament to amend the constitution and its procedure.

Types of Amendments 0.5

1. Amendment by simple majority of the Parliament
2. Amendment by special majority of the Parliament
3. Amendment by special majority of the Parliament and the ratification of at least half of the state legislatures.

Procedures to be followed 10

- The procedure for the amendment of the constitution is laid down under article 368.

Power of Parliament

- The Amendment of the constitution can be instituted only by the either house of Parliament
- It cannot be initiated or instituted by State legislatures.

No Prior Permission

- The bill can be introduced either by minister (or) by Private member.
- Does not require prior permission of the President

Special Majority

- The bill must be passed in each house by special majority.
- It is the Majority of Total Membership of the house and majority of 2/3rd of the members of the house present and voting.

No joint sitting

- Pass the bill separately (Lok Sabha, Rajyasabha)
- In case of disagreement, there is No joint sitting of two houses for the purpose of deliberation and passage of the bill.

Federal provision

- In order to amend the federal provision of the constitution, it must also be ratified by the legislatures of half of the state by simple majority.

Assent of the bill

- The President must give his assent to the bill after it is duly passed by both the houses and ratified by state legislatures where necessary.

- He can neither withhold his assent to the bill not return the bill to the parliament for reconsideration.

- After the President's assent the bill becomes an act that is, Constitutional Amendment act.

Criticism of the Amendment procedure 1

- There is no provision for a special body (like constitutional assembly or constitutional convention in USA)
- State legislatures cannot initiate any bill and the power lies with the Parliament.
- Major part of the constitution can be amended by the Parliament alone either by a special majority (or) by a simple majority & only in few cases the consent of State Legislatures is required also only half of them.
- No provision for holding a joint sitting in case of deadlock.

Conclusion

- The Procedure of Amendment in India is neither Rigid nor flexible. But it cannot be denied that the process to amend is simple and easy so that the Constitution can be amended according to the changing needs of the society.

10) "Governor of state has more power than President of India in certain situations" – Explain.

Introduction 1

- The governor is the constitutional head of the state and
- The Chief executive head of the state whose powers are enshrined in part VI , Articles 153 to 162 of the constitution,
- Governor also acts as an agent of the central government.

Discretionary power 4

Constitutional discretion

President

- No Power regarding Constitutional Discretion

Governor

- When they have to reserve the bill for the consideration of President ,the governor can take own decision without the advice of the Council of Ministers
- Own discretion for imposition of President rule in state.
- When given Additional charge as the administrator of the UT, he can take action at his own discretion.

- He calls upon the Chief Minister to seek information regarding administrative and legislative affairs.

Situational discretion **6****President**

- Can appoint the Prime Minister when no clear majority or death of PM in office with no successor
- Dismissal of COM – Cannot prove confidence in Lok Sabha
- Dissolution of house of people if COM lost majority.

Governor

- Appoints a chief minister when no clear majority or death of CM in office with no successor
- Dismisses the council of ministers to prove confidence in Legislative Assembly
- Dissolution of State Legislative assembly when majority is lost

Conclusion **1**

- Governor has more discretion than President, primarily because of his dual role of Head of a State and representative of Centre in the State.
- He has prima facie discretion in deciding whether a proposed law by a State is violative of the Constitution.
- Thus it is clear that Governor of state has more discretionary power than President of India in certain situation.

11) What is split system? Write down the advantages of split system?**Split system** **3**

- The Secretariat system in India is based on the principle of separation of policy – making function from that of policy execution.
- Scheme of separation called split system.
- The Secretariat should be concerned only with policy making, should not include itself in process of policy execution.
- The task of policy execution should be left to executive which are located outside the secretariat organization Like Directorates.

Advantage of split system **4**

- Policy makers can plan forward progressively free from problems of execution day-by-day.
- Avoids Over- Centralization.

- Secretary to examine objectively proposals enacting from executive agencies.

- Provides operational freedom to executive agencies in implementation.

- It keep the organization smaller and manageable in size due to division of work.

- Program implementation in the field can be evaluated objectively by secretariat officials.

Difference between India and Britain model**Britain** **4**

- Ministry is responsible for both policy making as well as policy execution.

India

- Two sets of parallel hierarchies
- Secretariat dealing with thoughtful and effective planning.
- Executive agency which deals with implementation of policies.

Conclusion **1**

- If the field functions were to be administered from the Secretariat it would have created lot of centralization and delay in disposal of work.
- This drawback is removed with the practice of split system in Public Administration which leads to Effective Policy Panning and Good Implementation of program.

12) Why first ARC formed and enumerate the recommendation to improve the Performance of state secretary.**ARC** **2****Introduction**

- The ARC are set up the Government of India to make recommendation regarding information in the administrative system.
- India till now has setup two administrative commission
- 1st ARC in 1966
- 2nd ARC in 2005

First Administrative Reforms Commission (1966)

- **Chairman** - MorajiDesai(initial) the it was chaired by Hanumanthiah. **2**

Objective

- Need to ensure the efficiency of the Govt's administrative structure.
- Instructed to make public administration a fundamental component of implementing the country's socio – economic policies and goals for grown.

Focus Areas

2

1. Centre – State relation
2. Planning system at every level
3. Govt machinery and its procedure
4. State – level administration
5. Citizen grievances redressal problems.

Key Recommendations

4

- It presented 20 reports and 537 recommendations.
- Under Article 263 (b) and (c) of the Constitution, an Inter-State Council would be established to consider all subjects of national importance in which the States are interested.
- Guidelines for the Governor to practice his discretionary powers must be set by the Inter-state council.
- Procedure for appointment of High Court Judges must be shifted from Ministry of Home Affairs to Ministry of Law.
- Citizen's Grievance redressal to be focused

Recommendation to improve the Performance of state secretary.

2

- The number of departments in the state secretariat should not exceed thirteen.
- The basic scheme of grouping of subjects into departments should not be changed to increase the number of minister portfolios.
- A Department of Personnel should be set up under the charge of the Chief Secretary and be placed under the Chief Minister.
- The distribution of subjects between different secretariat departments should enable them to deal with a specific segment of administrative activities.
- The executive functions performed by the secretariat should be transferred to the appropriate executive organizations.
- Two staff cells (a combined cell on planning and policy; and a finance cell) should be set up in departments dealing with specific subjects.
- A Policy Advisory Committee should be set up in each department.
- Below the minister, there should be only two levels of consideration and decision, with work assigned to each on the lines of 'desk-officer' system.

Unit - 03

1) What do you understand by the State Secretariat? Explain its organisation, power and functions.

- The state secretariat consists of departments of state government which are headed politically by the ministers and administratively by the secretaries.
- The chief secretary is the head of the entire state secretariat while a secretary is a head of one or two departments. **1**

Organization of state secretariat:-

2

- Number of departments in the secretariat of different states varies from 15 to 35.
- The departments which are there in all states are General Administration, Agriculture, local Governance, local and employment etc.

Structure

1

- Chief Secretary
- Joint/Additional Secretary
- Deputy Secretary
- Under Secretary
- Employees like Section Officer/ Superintendent, Clerks and Workers

State secretariat power

3

- Maintains Balanced Communication with the central government and other state Government.
- It unifies various departments in every state and it contains a lot of officers to balance this requirement
- Initial appointment of officers belonging to the state service and inflection of major punishments on them
- Creation of posts, their extension and continuance, re-employment, resignations, special pay and allowances and positions; not within the powers of heads of departments.
- Scrutiny and approval of departmental budget estimates, major appropriation of accounts, surrender of funds and supplementary grants.

Functions

3

- Secretariat is a policy making body which formulates policies & programs of the State Govt.
- Assist the minister in discharging the parliamentary responsibilities.
- Frames the laws, rules and regulations.
- Prepares the Budget of the State and to exercise control over Public Expenditure.

- Focus on the implementation of the policies and Programs by field agencies
- Review the results of execution of Policy
- Receives complaints ,grievances from the people and solve them
- Serves as a think-tank to the state government

Criticism: 3

- Concentration of Powers and functions which leads to the inefficiency in the working of the Government.
- Field officers face much political pressure than those in Secretariat
- Thus on officers trying to retain in Secretariat they do not realise the field work and their problems.

TamilNadu Secretariat Initiative 2

- The state will go green through paperless Administration by the end of 2021 which is a milestone in TamilNadu's e-Governance Programme.
- A time-bound plan will start early next year to get all Departments and 38 Collectories to switch to the e-Office platform.

2) Explain the purpose of Directorates and discuss the role & functions of its head.**Directorate 1**

- Directorates are the executive arm of the State Government
- It is an executive agency which converts the policy into action framed by the state Secretariat

Directorates types 2**1. Attached Offices**

- provides executive direction for implementation of policies in the corresponding Ministry
- it serves as a repository of technical information

2. Subordinate Offices

- field establishments or the agencies responsible for the detailed execution of the decisions of the Govt.
- Function under the Direction of Attached office

Organization of directorates: 1

- Heads of department are usually called The director (or) commissioners is assisted by Additional directors, joint directors, deputy directors and Assistant director.

Purpose of directorates:- 1

- Responsible in achieving the policies framed by State Govt
- Link between the Formulation and execution of the policy
- Dedicated executive agency working on the application of laws and rules in the ground level
- Bringing theoretical policies to reality.

Role of directorate 4

- Responsible for formulating the department Budgets.
- In Hierarchy Directorate is at level 3 which connects Secretariat to subordinate departments.
- It serves as a data centre to the Ministry
- Plays a vital role in achieving the final goals of Governance

Function: 4

- Formulation of departmental budget.
- Acting as technical adviser to the minister.
- Inspection of the execution of work of departmental district staff.
- Allocation of grants awarding to rules, making budget re-appropriate within Prescribed limits.
- Making within approved rules all appointment, confirmation postings, transfer permission of all subordinate offices.
- Exercising disciplinary power over all subordinate officers according to rules.
- Advising public service commission concerning promotions and disciplinary action.
- They can give suggestions to the public service commission regarding disciplinary action and promotion

Conclusion 2

- Directorates, such as the directorate of education, are the agencies under the different ministries that are responsible for executing the policies defined by the ministry and framed by the secretary.
- In the directorates, the leading component is the director or commissioner who directly reports to the secretariat.

3) "Has the Governor been acting more of agent of the centre rather than being the constitutional head of state" - Comment.

Introduction 1

- The governor is the chief executive head of the state.
- He is a nominal executive head and also act as an agent of the central Government.
- On the Governor acting as an agent of the Centre ,issue arises in most of the states where the ruling party is in opposition with the centre.
- It is said to undermine the democratic processes &
- Compromise the Basic Structure doctrine elements like Federalism.

Controversy against Governor's role as an Agent of Centre: 4

Tamil Nadu

- When the state Government passed the resolution to appoint Vice chancellors of universities which is a power vested upon the Governor.
- Several other parties condemned the Governor R.N. Ravi for acting unconstitutional to the state and are urging for the recall of Governor.

Kerala

- The **Governor** of Kerala refused to convene a special session of the Kerala Assembly that was intended to discuss the ongoing farmer protest in New Delhi in 2021
- Such instances portray the negative image of the state governors as an agent of the centre.

Karnataka

- SR Bommai case in 1994 depicts that Governor acting more as an "agent of the Centre"
- Him being the CM of Karnataka was dismissed under Article 356 and President rule was imposed by Governor Venkatasubbaiah.
- The dismissal was on grounds that the Bommai government had lost majority following large-scale defections engineered by several party leaders of the day.
- Then Governor P. Venkatasubbaiah refused to give Bommai an opportunity to test his majority in the Assembly despite the latter presenting him with a copy of the resolution passed by the Janata Dal Legislature Party.

- The verdict also categorically ruled that the floor of the Assembly is the only forum that should test the majority of the government of the day, and not the subjective opinion of the Governor, who is often referred to as the agent of the Central government.

Interventions of the Governor as an agent of Centre 8

1. Misuse of Article 356:

- Discretionary power of Governor.
- This power has been abused by political parties in power at Centre to dismiss Government in state Governor by potties in opposition.
- Best example is after 1977, the CG and SG political parties are different that is the reason after 1977 lot of dismiss on the State Government.

2. Power of Reserving Bill:

- Constitution provides the governor own discretion to reserve a bill for consideration of President.
- The power is misused, through power of reservation Centre exercise this power by vetoing or delaying and legislation through president refusal to assent to State's legislation.
- Recently Tamil Nadu NEET BILL reserved by Governor.

3. As an agent of political party in power at Centre.

- Governors are not shy of revealing their partisan preference.
- Recent times Governors have exhorted voters to vote for particular party.
- Governor of Rajasthan has been changed with the violation of the model code of conduct

4. Partisan role in hung assemblies:

- Discretion power of Governor.
- This discretion is abused by Governor in partisan manner at the instruction of Centre.
- Example Maharashtra and Karnataka.

5. Arbitrary Removal of Governors:

- The Governor most of the time due to fear of removal favor political party in Centre and work as agent for them.

Way forward 2

- The post of Governor should be reserved for non-political appoints.

- Sarkaria Commission recommended that Article 356 should be used in very rare case when the situation is unavoidable.
- Punchy Commission Art 355, 356 be amended and should be for the Interest of the State.
- Strengthening of Federalism by increasing the role of Interstate Council & RajayaSabha.
- Thus the governor's role is indispensable for the successful working of constitutional democracy, and he must withhold the virtue of impartiality and not merely be an agent of the Centre.

4) Explain about various Committees of the Parliament to control Administration.

Origin: 2

- Parliament is the embodiment of the people's will and parliamentary committees are an instrument of Parliament for its own effective functioning.
- In independent India, the first Public Accounts Committee was constituted in April 1950
- Parliamentary committees draw their authority from Article 105 and Article 118 of the constitution

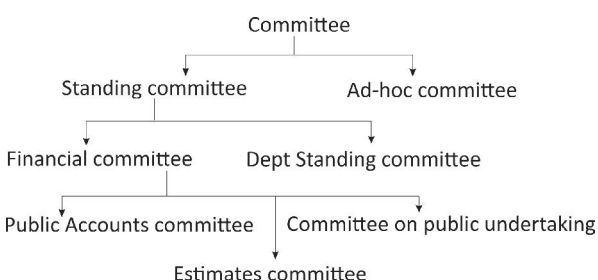
Committee formation: 1.5

- These committees are smaller units of MP from both houses, across various political parties.
- These committees function through a year.
- Deliberate on a range of subject matter, Bills and budget of all the industries.

Need of Committee: 1

- Parliament deliberations on matter that are complex and therefore needs technical experts to understand such matters better.
- Committees help to understand the issue very clearly and providing the technical advice, This forum provide healthy discussion among the political parties.
- Opposition party MP talent also utilized by this various committee.

Various Committee 2



Public Account Committee:

- 1921 this committee formed.
- 22 members(15 members from LokSabha, 7 members from Rajyasabha)
- Formed method of proportional representation by means of single transferable vote Minister.
- Term of office one year.

Function:

- To examine the annual audit report of the CAG.
- This committee examines the public expenditure not only from legal and formal point of view but also from economy, prudence, wisdom, propriety.

Estimate Committee: 2.5

- Formed in 1921(on the recommendations of Finance Minister John Mathai)
- 30 members (LokSabha members)
- One year tenure
- Proportional representation by means of single transferable vote Minister cannot be elected.
- No representation from RajyaSabha.

Functions:

- It examines the estimates of the expenditure proposed by the Government in the budget and suggest economies in Public expenditure.
- To bring efficiencies and economy in Governmental administration. It suggests alternative policies.
- To suggest the form in which the estimates are to be presented to Parliament

Committee on Public undertakings: 2.5

- constituted in 1964
- 22(15 Loksabha members ,7 Rajyasabha members)
- Proportional representation by single transferable vote.
- One year term

Functions:

- In examines the reports and amounts of Public undertakings.
- The committee checks upon the credibility of the business of Public sector undertaking.

Ad hoc Committee: 2.5

- Formed for a specific purpose.
- Ad hoc committee normally serves as a temporary committee former to help the board with a particular project.

- Example - Select Committee on GST

Conclusion 1

- Thus Parliamentary Committees help with this by providing a forum where Members can engage with domain experts and government officials during the course of their study. There is a need to strengthen the parliamentary committees rather than bypassing them for the betterment of the parliamentary democracy.

5) Describe the meaning, origin and development, organization, functions and role of Cabinet secretariat.

Meaning 1

- Cabinet secretariat is an office which is a responsible for the Government's administration.
- The Cabinet secretariat is responsible for the smooth transaction of business in ministries and dept of Govt.

Origin 2

- Institution of the Interim Govt in Sep 1946 brought a change in the name of office.
- On 5th Sep 1946, the secretariat of the executive council was designated as cabinet secretary.
- After independence, in 1949 an economic committee of the cabinet was set up with its secretariat at ministry of finance.
- In 1950 this was transferred to cabinet secretariat and designated as economic using and ultimately merged with the secretariat in 1955.

Development 2

- 1949 – Economic committee of the cabinet
- 1955 merged with secretariat.
- In June 1970 three dept created under cabinet secretary.
 1. Dept of electronics
 2. Dept of scientific and institutional resource
 3. Department of Personnel
- Dept of ocean development was created in July 1981 under cabinet secretariat and become Independent dept in 1982.
- The directorate of public Grievances was set up in the cabinet secretariat in March 1988.
- National Authority chemical weapons convention was set up by a resolution of cabinet secretariat 1997.

- Direct benefit transfer mission 2015 shifted to cabinet secretariat.
- Office of Principal scientific advisor has been placed administratively under the cabinet secretariat in August 2018.

Organization 2

- Cabinet secretariat is under the direct charge of the Prime Minister.
- The administrative head of the secretariat is the cabinet secretary who is also the ex-officio chairman of civil service board and topmost executive official of GOI

Function 6

- The cabinet office is responsible for enforcing Government of India (Business Transactions) Regulation 1961 and Government of India (Business Distribution) Regulation 1961, which promotes the smooth conduct of the business of ministries or divisions.
- Promotion of Inter – ministerial coordination.
- Removing difficulties, difference, overcoming delay, co-ordination in administrative action and coordinating polices
- Promoting new – policy institutional.
- Managing the country's significant crises and
- Coordinating the actions of various ministries in such situations

Conclusion 2

- The cabinet secretariat provides secretarial assistance to the cabinet and its various committees as the administrative head.
- The position is significant and is usually allotted to the senior-most civil servant who are the head of all the civil services mentioned in the constitution of India.

6) Write an essay about establishment and functions of NITI Aayog.

Origin of NITI Aayog 1

- Planning commission was replaced by a New Institution called NITI Aayog
- NITI Aayog on 1st January 2015 with emphasis on Bottom – up approach
- The vision of NITI Aayog is maximum Governance minimum Government
- The Spirit of co – operative federalism
- Its main emphasis was “Bottom up approach”

Composition 2

- **Chairperson** – Prime Minister

- **Vice – Chairperson** – To be appointed by Prime Minister
- **Governing council** – CM of all states, Lt – Governors of UT.
- **Regional Council** – Address specific Regional issues.
- **Ad – hoc** – 2 members from leading Research Institution
- **Ex – officio membership** – Prime Minister nominate the Union council of minister
- **Chief executive office** – Prime Minister appointed in the rank of secretary
- **Special invitees** – Experts, specialists

Need for NITI aayog **2**

- The 65 year-old Planning Commission had become a redundant organization. It was relevant in a command economy structure, but not any longer.
- India is a diversified country and the common structure for Planning economy is obsolete.
- It cannot make India Competitive in Global Arena. Hence more Inclusive and applicable approach like NITIAayog is needed.

Objectives **2**

- Co-operative federalism – Strong states make a strong nation
- Mechanism to formulate credible plans.
- National security is incorporated in economic strategy.
- To pay special attention to the sections of one society that may be at risk of not benefiting adequately from economic progress
- To provide advice and encourage partnership between the holders.
- To create knowledge, innovation and entrepreneur support system.
- Platform for resolution for inter sectional and inter departmental issues.

Functions **6****1. Cooperative and competitive federalism**

- State have to participate in the formulation of National Policy
- Active involvement of States in achieving National objective

2. Shared National Agenda

- Evolved a Shared vision of National development priorities and strategies did have active environment of Status.

3. States' Best friend at the centre

- Support states in addressing their challenges, building on strength and competitive advantages.

4. Decentralized planning

- Bottom up approach
- Empower states and guide them to further empower local government.

5. Vision and Scenario planning

- Medium and long term strategies framework across all sectors.
- Focus on domain strategies and network Expertise for better Connectivity

Challenges **1**

- No powers in granting discretionary funds to states
- No rule in influencing private or public investments
- Politicization of the organization

Conclusion **1**

- ITI Aayog could emerge as an agent of change over time and contribute to the government's agenda of improving governance and implementing innovative measures for better delivery of public services.
- NITI Aayog continues to be representative of efficient, transparent, innovative and accountable governance system in country with distinguished work ethics.

7) What are the recommendations of S.R.Bommai case for affecting these State rights during declare of the article 356?**Art 356** **1**

- That gives the central government the power to dismiss a democratically elected state government.
- This is borrowed from government of India act 1935 and opposed by the freedom fighters.
- Was incorporated in the constitution for the preservation of democracy, federalism and stability in the post independent etc.

Misuse of Article 356 **2**

- B.R.Ambedkar has assumed that it would remain a dead letter.
- Article 356 has been used more than 125 times.
- In almost all cases it was used for political considerations rather than any genuine breakdown.

- During Prime Ministership of Indira Gandhi used for 27 time.
- Most of the cases to remove majority governments on the ground of political stability, absence of clear mandate be withdrawal of support.

Disputes raised due to SR Bommai case 1

- Raised question on the proclamation of President rule in a state
- Questions were also raised whether the inspiration of President rule is challengeable

Bommai case judgement 1

- Land mark verdict put restricts on the center for imposing the President rule on states
- Floor of the Assembly is the only forum that should test the majority of the government of the day, and not the subjective opinion of the Governor

Approval of Parliament 1

- President should use this power only after his proclamation has been approval by both the houses of the Parliament.

Judicial review 1

- The SC also stated that the proclamation the imposition of Article 356 is subject to judicial review.

Legislative assembly 1

- Proclamation lapses in this situation the suspended legislative assembly also gets relativities.

SR Bommai case significance 4

- The Bommai verdict spelt out clearly that the imposition of Article 356 by the President on a state Government should not be arbitrary.
- Not be arbitrary and there should be solid ground for it.
- The Bommai case verdict laid down the conditions under which State governments may be dismissed, and mechanisms for that process.
- Doctrine articulated in a landmark 1977 case, State of Rajasthan vs Union of India was overturned.

Way forward 3

Judiciary Restraining itself

- Judiciary should realize that judicial activism may be good as save exception.
- Activist judiciary is neither good for the country nor for the judiciary itself.

Need for President's activism

- President can use his suspensive Veto in times of misuse of Article 356 by the Governor

Fine tuning role of Governor

- The Governor must art judiciously, impartially and efficiently while exercising his discretion and personal judgement.
- Recommendation of Sarkaria&Punchi Commission should be followed in true Spirit

8) Elaborate the Powers and function of president?

President 1

- The President is the first citizen of India
- He is the head of the state
- He is the nominal executive authority, Chief executive of the Indian union, supreme commander of the armed forces.
- He is a part of Union Executive along with the Vice-President, Prime Minister, Council of Ministers, and Attorney-General of India in Part IV (Article 52 - 62) of the constitution.

Powers and functions 1.5

Executive powers

- All executive actions of government of India are formally taken in his name (Article 77)
- Article 53 – Executive power of the union shall be exercise by him directly (or) through officers.
- Appoints Prime Minister and other minister they hold office during his pleasure.
- Appoint the attorney general of India and determines his remuneration, Comptroller and Auditor General of India (CAG), Chief Election Commissioner and other Election Commissioners, Chairman and members of the Union Public Service Commission, State Governors, Finance Commission of India chairman and members
- Appoint the inter –state council to promote centre – state & inter state co-operation

Legislative powers 1.5

- Summon (or) prorogue the Parliament and dissolve Loksabha
- President terminates the sessions of both (or) any of the house of Parliament.
- Nominates 12 person in Rajyasabha, 2 members to LokSabha
- All bills passed by the Parliament become “Law of Act’s” only after getting assent of the President.

Financial powers

1.5

- Money bill can be introduced only with his recommendation
- Annual budget of the central government is presented before the Loksabha by the Union Finance Minister only with the permission of the President.
- No demand for grand without his recommendation.
- The constitution of India place the contingency fund of India is at the disposal of the President.

Judicial powers

1.5

- Appoint Chief Justice and judges of supreme court and high court.
- Can seek advice from supreme court and the advice tendered by Supreme court is not binding the President.(Article 143)

Pardoning power

1.5

- Article 72 – empowers the President to grant pardons to persons who have been tried and convicted of any offences
1. Union law
 2. Court martial (military court)
 3. Sentence of death

Military powers

1.5

- Article 53 (2) – The supreme court command of the defence force of the union shall be vested in the President and the exercise there of shall be regulated by law.
- Appoints chief's of Army, Navy, Air force

Emergency powers

1.5

- He deals with three types of emergencies given in the Indian Constitution:
 - National emergency (Article 352)
 - President's rule (Article 356, 365)
 - Financial emergency (Article 360)

Veto power

1.5

- Absolute Veto (Withhold his assent)
- Suspective veto
- Pocket veto (No action on bill)

Ordinance making power

1

- Article 123
- To deal with unforeseen or urgent matters.
- Can make on ordinance only when President is satisfied that circumstances exist.

Diplomatic powers

1

- Appoints Indian diplomats to other countries and receives foreign diplomats posted to India
- All treaties and agreement with foreign states are entered into in the name of President.
- These are the powers of the President of India.

**“STAY POSITIVE, WORK HARD;
MAKE IT HAPPEN.”**

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