

INDIAN PUBLIC ADMINISTRATION SINCE- 1947

Unit: I Constitutional Frame work:

The Indian Constitution – Preamble – Salient Features – Fundamental Rights – Directive Principles – Union Government: President – Prime Minister–Parliament – Judicial Organization – State Government: Chief Minister - Governor – State Assembly – Centre - State Relations – Union Territories and Administration.

Unit: II Administrative Framework:

Cabinet Secretariat – Duties and Responsibilities – Cabinet Committees – Function – Prime Minister’s Office – Role and Function. Central Secretariat – Functions – Executive Agencies – Growth and development of Departments in India - Ministry of Finance – Ministry of Home Affairs – Ministry of Personal – Ministry of External Affairs – Attorney General of India – Comptroller and Auditor General of India

Unit: III Administrative Relations:

Bureaucratic Administration – Public Service and Civil Service – All India Services – Central Services – UPSC – Recruitment and Training – Grant-in-Aid – Inter State Council – Planning Commission – NITI Aayog–National Development Council – Zonal Council – Administrative Reforms: Important – Commissions and Committees – Election Commission.

Unit: IV State Administration:

Structure – State Secretariat – Chief Secretary – State Public Service – TNPSC – State Service – Regional Divisional Commissioners – District Administration - District Collector – Various Departments of the District – Law and Order – National Police Commission (1977).

Unit: V Decentralized Administration:

Corporations: Major Municipal Corporations – Powers and Functions, Municipalities - Powers and Responsibilities – Elections – District Development Council – Panchayat Raj Administration – Structure – Gram Sabha – Gram Panchayat – Panchayat Samiti- Zila Parishad.

Prepared by

Dr. K.PAUL DURAICHI M.A., M.Phil., Ph.D.,

Assistant Professor

PG & Research Department of History

V.O.Chidambaram College

Thoothukudi 628008.

UNIT I

Salient Features of Indian Constitution

The Constitution of India is one of the finest-crafted Constitutions in the World. This Constitution is made by the Constituent Assembly under the Cabinet mission plan. This Constituent Assembly started its work from 26 November 1946. That's why every year we celebrate Constitution Day on 26 November. It took 2 years, 11 months and 18 days to complete our Constitution. B.R. Ambedkar was the head of the most important committee which was the drafting committee of the Constitution of India. He drafted the entire Constitution. This Constitution was enforced from 26 January 1950. That's why we celebrate republic day every year on this day.

Following are the salient features of the Indian Constitution:

1. Longiest written Constitution in the World

The Constitution of India is the longest written Constitution in the World. It is because not only the essential rights are given under it but detailed administrative instructions are also given under it. Our constitution has given the place to various organizations like Civil services (under Article 308- 323). One of the other reasons why this Constitution is so huge is because there is a single Constitution for entire India. India is a huge country and it needed detailed rules to be applied to various parts of the States. Due to this a massive constitution is made.

2. Made from many different sources

Different parts of our Constitution are taken from various countries. The maker of our Constitution took the structural part of the Constitution from the Government of India Act, 1935.

Following are the various sources of Indian Constitution:

- a. **United States of America** Fundamental Rights, Independence of Judiciary, Judicial Review, Impeachment of President and Supreme Court Judges.
- b. **United Kingdom** Single Citizenship, Parliamentary system of Government, Rule of Law, Prerogative writs.

c. **Canada Constitution** Quasi Federal Government system, Appointment of Governors.

d. Australia Constitution

Concurrent List, Joint sitting of 2 houses of the Parliament, Freedom of Trade.

e. **USSR** Fundamental duties, Social, Economic and Political Justice.

f. **Ireland** Directive Principles of State Policy, Election of President.

g. **Germany** Emergency provisions like Suspension of Fundamental Rights during an emergency.

h. **France:** Republic

i. **South Africa** Amendment of Constitution Election of members of Rajya Sabha.

j. **Japan** Procedure established by law.

3. Universal Adult Franchise

Our Constitution makers gave the right to vote to every citizen of India who was above 21 (now age is 18). The western democracy took many years while giving this right to everyone.

4. Single Citizenship

Indian Constitution is having the provision of Single Citizenship. This means that anyone who takes the citizenship of some other country will automatically lose the citizenship of India. This concept of Citizenship is taken from the British Constitution. There are various benefits which citizens can enjoy by simply being a citizen. Right to vote, get elected to posts like President, Member of Parliament are all only available for the citizens of India.

5. Free Judiciary

The Judiciary is free to give decisions and is not dependent on the government in India. An independent Judiciary is very much needed in a democracy. It protects its citizens from the arbitrary acts of the governments. There are various Fundamental rights which are given under the Constitution. The Judiciary has to enforce these fundamental rights using its power under article 32 and article 13.

6. Quasi Federal Constitution

Quasi federal means it seems to be federal but it is not completely federal as it is having some serious tilt towards the central government. In the times of emergency, the Central government is having much more powers than the State Governments.

7. Parliamentary form of Government

This form of governance is adopted from the British Constitution. India adopted it because she was experienced in following this form of government. This is often called a Westminster form of government. In this type of government, the executive is responsible and answerable to the legislature through various methods and forms.

8. A mixture of Rigidity and Flexibility

Under the constitution, it is seen that there are many provisions which can be amended by a simple majority in the Parliament. On the same time, there are various provisions under Article 368 which needs a special majority, especially the matters which are affecting the policies of the State government.

9. Directive Principles of State Policy

These are some principles which are given under Article 36 to 51. These principles are providing a guideline to the State to create policies which are essential for the Welfare of the People. Although these principles are not justifiable in the Court then also the State has created various laws due to which some of these principles are Constitutional rights now. The biggest example of this is Right to Education under the Article 21 A. Before this was a part of Directive principle but now there is a law made and added in Fundamental Rights to make it justifiable right.

10. Fundamental Duties

These duties were not part of the original Constitution but later there was a need felt for these duties. Taking inspiration from USSR the government of India added 11 Fundamental Duties under Article 51 A in the Constitution. They were added as part of the 42nd Constitutional amendment in the year

1976. There was a need felt by the State that the citizens of India must follow these principles to show respect to our Nation.

11. Fundamental Rights

Fundamental rights are given under Part 3 of the Indian Constitution (Article 12-35). They are the Universal rights which are given to each citizen of India. Article 15, 16, 19, 29 and 30 are available for all the citizens of India. Article 14, 20, 21, 21A, 23, 24 and 25-28 are given to everyone who is living in this country except to the citizens of enemy countries.

Let us understand every fundamental right one by one:

There are 6 Fundamental rights which are given by the Indian constitution. Initially, there were 7 but Article 31- Right to property was removed from the fundamental rights (44th Amendment) and was added as a statutory right in Article 300 A.

a. Right to Equality (Article 14-18): Right to equality is a group of 5 Article which is given under the constitution. These 5 Articles are as follows:

1. Article 14: Equality before the law and equal protection of Laws
2. Article 15: Prohibition of Discrimination Against Citizens
3. Article 16: Equality of opportunity in Public Employment
4. Article 17: Abolition of Untouchability
5. Article 18: Abolition of Titles

Article 14 covers all the persons who are living in India, whereas other 4 rights in this part are only for the citizens of the country. This right gives the guarantee to every citizen that the state will not discriminate between its citizens. All citizens will get equality before the law and equal protection of the law.

Article 15 of the Indian constitution prohibits the discrimination by the State on any of the specified grounds namely, religion, race, caste, sex or place of birth.

Article 16 of the Indian constitution gives, “equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.”

Article 17 abolishes the Untouchability and makes it a criminal offence. The government of India enacted various laws for the effective implementation of this article like Schedule Caste and Schedule Tribes (Prevention of atrocities) Act 1989.

Article 18 abolishes titles. It prohibits the state from giving any titles to any person except military and academic titles. This article also stops Indian citizens from accepting any titles from any other foreign countries.

b. Right to Freedom (Article 19 – 22): Under Article 19(1), there are 6 Fundamental freedoms given to the citizens of India:

Freedom of Speech and Expression;

Freedom to assemble peaceably and without arms;

Freedom to form associations or Unions or [Cooperative Societies];

Freedom to move freely throughout the territory of India;

Freedom to reside and settle in any part of the territory of India;

Freedom to practise any profession, or to carry any occupation, trade or business.

These above freedoms are not absolute; they are subject to reasonable restrictions.

Article 20 protects in respect of conviction for offences:

Ex-post facto Laws: Laws made after the happening of an offence

Double Jeopardy: No person shall be punished for an offence more than once.

Self-incrimination: No person accused of any offence shall be compelled to be a witness against himself.

Article 21 says that no person shall be deprived of his right to life and personal liberty except according to the procedure established by law. This right is available to the citizens and Foreigners both.

Article 22 of the constitution gives protection against arrest and detention. This article talks about minimum procedural requirements that must be included in

any law enacted by the Legislature following which a person may be deprived of his life and personal liberty.

c. Right Against Exploitation (Article 23-24): Article 23 prohibits traffic in human beings and forced labour. This is made a punishable offence under the law.

Article 24 prohibits the employment of children in factories. No child below the age of 14 years is allowed to work in any factory or mine or any other hazardous employment.

d. Right to Freedom of Religion (Article 25-28): Article 25 of the constitution provides freedom of conscience and free profession, practice and propagation of religion. This article is subject to public order, morality and health.

Article 26 of the constitution gives the freedom to manage religious affairs to everyone. Every religious entity can establish institutions for religious and charitable purposes. They can also own property.

Article 27 gives the freedom from payment of taxes for promotion and maintenance of any religion or religious institution.

Article 28 of the constitution bans the use of the educational institutions which are funded by the state for the religious instructions. This provision won't be invoked if the educational institution is run by a trust.

e. Cultural and Educational Rights (Article 29-30) : This part of the constitution is important for the preservation of the diverse languages and different beliefs of the nation.

Article 29 guarantees the protection of language, script and culture for all the citizens of the country who are living in the country.

Article 30 of the constitution gives the right to establish and administer the educational institutions of the minorities.

f. Right to Constitutional Remedies (Article 32): This is the most important right of the constitution of India as without this right all other rights will never work. This is the right to move to the Supreme Court for the enforcement of Fundamental Rights.

PREAMBLE

The preamble to the Indian Constitution

The preamble to the Constitution of India is a brief introductory statement that sets out the guiding purpose, principles and philosophy of the constitution. The preamble gives an idea about the following: (1) the source of the constitution, (2) the nature of the Indian state (3) a statement of its objectives and (4) the date of its adoption.

Nature of Indian state

Sovereign: India is internally and externally sovereign – externally free from the control of any foreign power and internally, it has a free government that is directly elected by the people and makes laws that govern the people. No external power can dictate the government of India.

Socialist: “Socialism” is an economic philosophy where means of production and distribution are owned by the State. India adopted Mixed Economy, where apart from the state, there will be private production too. Socialism as a social philosophy stresses more on societal equality.

Secular: Features of secularism as envisaged in the Preamble is to mean that the state will have no religion of its own and all persons will be equally entitled to the freedom of conscience and the right freely to profess, practice and propagate the religion of their choice. (S R Bommai and Others v Union of India, AIR 1994 SC 1918)

Democratic: Indicates that the Constitution has established a form of government that gets its authority from the will of the people. The rulers are elected by the people and are responsible to them.

Republic: As opposed to a monarchy, in which the head of state is appointed on the hereditary basis for a lifetime or until he abdicates from the throne, a democratic republic is an entity in which the head of state is elected, directly or indirectly, for a fixed tenure. The President of India is elected by an electoral college for a term of five years. The post of the President Of India is not hereditary. Every citizen of India is eligible to become the President of the country.

Objectives of Indian State

- Justice: Social, Economic and Political.
- Equality: of status and opportunity.
- Liberty: of thought, expression, belief, faith and worship
- Fraternity (=Brotherhood): assuring the dignity of the individual and the unity

Fundamental Rights (FR)

Part III of the Indian Constitution talks about Fundamental Rights. The fundamental rights were included in the constitution because they were considered essential for the development of the personality of every individual and to preserve human dignity. All people, irrespective of race, religion, caste or sex, have been given the right to move the Supreme Court and the High Courts for the enforcement of their fundamental rights. There are seven categories of Fundamental Rights (FR) which are covered from Articles 12-35.

ARTICLE 12 : DEFINITION

In this Part, unless the context otherwise required, “the State” includes the Governmental and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.

- 13 Laws inconsistent with or in derogation of the fundamental rights.
- Right to Equality
- 14 Equality before law.
- 15 Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
- 16 Equality of opportunity in matters of public employment.
- 17 Abolition of Untouchability.
- 18 Abolition of titles.

Right to Freedom

- 19 Protection of certain rights regarding freedom of speech, etc.
- 20 Protection in respect of conviction for offences.

- 21 Protection of life and personal liberty.
- 21A Right to education
- 22 Protection against arrest and detention in certain cases.

Right against Exploitation

- 23 Prohibition of traffic in human beings and forced labour.
- 24 Prohibition of employment of children in factories, etc.
- Right to Freedom of Religion
- 25 Freedom of conscience and free profession, practice and propagation of religion.
- 26 Freedom to manage religious affairs.
- 27 Freedom as to payment of taxes for promotion of any particular religion.
- 28 Freedom as to attendance at religious instruction or religious worship in certain educational institutions.

Cultural and Educational Rights

- 29 Protection of interests of minorities.
- 30 Right of minorities to establish and administer educational institutions.

Saving of Certain Laws

- 31A Saving of Laws providing for the acquisition of estates, etc.
- 31B Validation of certain Acts and Regulations.
- 31C Saving of laws giving effect to certain directive principles.
- 31D [Repealed.]
- Right to Constitutional Remedies
- 32 Remedies for enforcement of rights conferred by this Part.
- 32A [Repealed.]
- 33 Power of Parliament to modify the rights conferred by this Part in their application to Forces, etc.
- 34 Restriction on rights conferred by this Part while martial law is in force in any area.
- 35 Legislation to give effect to the provisions of this Part.

Directive Principles of State Policy

Part IV of the Indian Constitution deals with Directive Principles of our State Policy (DPSP). The provisions contained in this Part cannot be enforced by any court, but these principles are fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws. The concept of Directive Principles of State Policy was borrowed from the Irish Constitution. While most of the Fundamental Rights are negative obligations on the state, DPSPs are positive obligations on the state, though not enforceable in a court of law.

ARTICLE 36: DEFINITION

In this Part, unless the context otherwise requires, “the State” has the same meaning as in Part III.

- 37 Application of the principles contained in this Part.
- 38 State to secure a social order for the promotion of the welfare of the people.
- 39 Certain principles of policy to be followed by the State.
- 39A Equal justice and free legal aid.
- 40 The organisation of village panchayats.
- 41 Right to work, to education and to public assistance in certain cases.
- 42 Provision for just and humane conditions of work and maternity relief.
- 43 Living wage, etc., for workers.
- 43A Participation of workers in the management of industries.
- 43B Promotion of co-operative societies.
- 44 Uniform civil code for the citizens.
- 45 Provision for free and compulsory education for children.
- 46 Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.
- 47 Duty of the State to raise the level of nutrition and the standard of living and to improve public health.
- 48 The organisation of agriculture and animal husbandry.
- 48A Protection and improvement of environment and safeguarding of forests and wildlife.
- 49 Protection of monuments and places and objects of national importance.

- 50 Separation of judiciary from the executive.
- 51 Promotion of international peace and security.

The President

The President of the Republic is elected by an electoral college consisting of the elected members of both Houses of Parliament and the elected members of the Legislative Assemblies (popular Houses) of the States. Though the President of India is a constituent part of Parliament, he does not sit or participate in the discussions in either of the two Houses. There are certain constitutional functions which he has to perform with respect to Parliament. The President summons and prorogues the two Houses of Parliament from time to time. While the Rajya Sabha is a continuing body, the power to dissolve the Lok Sabha vests in the President. His assent is essential for a Bill passed by both Houses of Parliament. When the Parliament is not in Session and he is satisfied that circumstances exist which render it necessary for him to take immediate action, the President can promulgate Ordinances having the same force and effect as laws passed by Parliament.

The President of the Republic of India is the head of the Indian state, and commander in chief of all the Indian Armed Forces. The President of India is indirectly elected by the directly elected members of both the Rajya Sabha and Lok Sabha, and the legislative assemblies of the states and union territories of India. The President of India has been granted the responsibility and authority to protect the Constitution. The MLA has the full participation right in the election of the President but the MLA has no role in the expulsion of the President.

Powers

The President of India, the First Citizen of India, has the following powers.

Executive Powers

As per Article 53 of the Constitution of India, the President has the following executive powers:

- 1- A right to be informed of all of the nation's affairs.
- 2- Powers to appoint and remove high Constitutional authorities, including the prime minister and the council of ministers.
- 3- Appointments of the judges of the Supreme Court and the High Courts, the state governors, the attorney general, the comptroller and auditor

General (CAG), and the chief commissioner and members of the election commission are made in his name.

Legislative Powers

- 1- The President is always the first to address the Parliament during the budget session.
- 2- In case of a deadlock in legislation process between the two houses of Parliament, the President summons a joint session to break the impasse.
- 3- Presidential sanction is mandatory for a legislation such as creating a new state, or changes in the boundary of existing states, or a change in the name of a state.
- 4- Legislation dealing with fundamental rights under the Constitution require the President's consent.
- 5- Money bills introduced in the Lok Sabha require the President's consent.
- 6- All bills passed by Parliament need the President's consent before becoming law.
- 7- The President is responsible for promulgating ordinances or emergent legislation during Parliament's recess.
- 8- He nominates the members to both the Houses.

Military Powers

As the Supreme Commander of the Indian Armed Forces the President plays the following role:

- 1- All officers' appointments are made by him or her, including that of the chiefs.
- 2- The country declares war in the name of the President.
- 3- The country also concludes peace in the name of the President's

Diplomatic roles

The President of India plays a vital role in maintaining diplomatic and cordial relationships with other countries across the globe.

- 1- The country's ambassadors and high commissioners are his representatives in foreign land.
- 2- He also receives the credentials of diplomatic representatives of foreign countries.
- 3- The President also negotiates treaties and agreements with other nations prior to ratification by Parliament.

Judicial powers

The President has the privilege of judicial powers.

- 1- He rectifies judicial errors
- 2- Has the power to grant pardons and reprieves from punishment.
- 3- The President can also seek the opinion of the supreme court on legal and

Emergency Powers

The Constitution of India envisages three kinds of emergency powers on the President.

- 1- During any national emergency which puts the country's security at peril, either from external aggression or armed rebellion within, the President has the power to declare a state of emergency. The President's Rule is then established in the state. However, such emergency has to be recommended by the Prime Minister and the cabinet.
- 2- The President can declare a State emergency based on political emergency due to Constitutional or law and order breakdown. The Governor's Rule is then established in the state.
- 3- The President has the power to intervene when the financial stability of the country or any state is seriously affected. The President has the power to direct a state government to observe prudence in public expenditure.

Prime Minister of India: Powers, Duties

Indian Constitution states about the Prime Minister in Article 75. He is appointed by the President and chosen by the people of India. Prime Minister is the executive head of the State. Take a look at the details of his appointment, his powers and his duties towards the nation here.

Prime Minister of India: Powers, Duties

It is mentioned in the Article 75 of the Indian Constitution that there would be a Prime Minister of the country who would be appointed by the President and chosen by the people of India through General Elections.. He is thus the people's representative. Take a look at the details of the appointment, the powers and duties of the face chosen by the people of the country. Take a look at the details below.

Prime Minister is the head of the Cabinet. He along with the Council of Ministers forms the executive power at the Center. The President of India is just the nominal head while the main powers are vested in the PM of India. In short while the President is referred to as the head of the State, the Prime Minister is called the head of the Government.

Functions and Powers of the Prime Minister

1. He proposes the names of the members of his political party to President for appointment as Ministers.
2. He decides the distribution of charge to various ministers and can reshuffle their cabinet also.
3. He presides over the meetings of Cabinet and can change the decisions taken therein.
4. He can suggest the President of India about the resignation or removal of any Minister from his Cabinet.
5. He also controls and directs the functioning of Ministers in the Cabinet.
6. He can resign anytime and can suggest the President of India to dissolve the Cabinet. He can suggest the President to dissolve Lok Sabha and to organize fresh elections.

Rights and powers with regard to Appointments:

Prime Minister can suggest the President about appointment of the following:-

1. Comptroller and Auditor General of India
2. Attorney General of India
3. Advocate General of India
4. Chairman and members of UPSC
5. Selection of Election Commissioners
6. Members and chairman of Finance Commission

Rights/Powers with regard to Parliament of India:

Prime Minister is the leader of the lower house and can exercise following powers:

1. He decides the foreign policy of the country.
2. He is the speaker of the Central Government.
3. He is the leader of the ruling party in the Parliament.

4. He is the chairman of NITI Aayog National Development Council, National Integration Council, Inter-state Council, National Water Resources Council.
5. He is the head of disaster management team during emergency at political level.
6. He is the political head of all the forces.

Relationship with the President of India:-

Following articles in the constitution of India explain the relation between President and Prime Minister of India:-

Article 74: To advice the President in various matters of national importance, there will be a Cabinet of Ministers which must be headed by the Prime Minister. President will take decisions based on the advice of Prime Ministers, however, he can ask for reconsideration of the decisions taken by the Cabinet of Ministers, though any such decision/advice after reconsideration are bound to be followed by him.

Article 75: The Prime Minister will be appointed by the President of India and other Ministers will also be appointed by him based on advice of the Prime Minister. Ministers can enjoy their office till the wish and will of the President of India. Cabinet of Ministers will be collectively responsible to the Parliament of India.

Duties of the Prime Minister:

1. To report all the works done by the Cabinet Ministers to the President of India.
2. To brief the President of India about any state of Emergency or any matter of foreign policy or urgent importance.
3. To inform the functioning of the Government and Union of India to the President.

While drafting the constitution of India, Dr. Ambedkar enumerated the role of the Prime Minister of India to be a functionary which can be compared to the President of United states. Therefore, it can be said that in India, President is the nominal head while the Prime Minister is the executive head of the Government.

The Two Houses of Parliament

Council of States (Rajya Sabha)

The Rajya Sabha is to consist of not more than 250 members. Of these, 12 are nominated by the President for their special knowledge or practical experience in such matters as literature, science, art and social service. The remaining seats are allocated to the various States and Union territories, roughly in proportion to their population; each State is, however, represented by at least one member. The total number of seats in the Rajya Sabha at present is 245, including 12 members nominated by the President.

The representatives of each State in Rajya Sabha are elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of single transferable vote. The representatives of the Union territories are chosen in such manner as Parliament may by law prescribe. The minimum age for membership of the House is 30 years. The allocation of seats in the Rajya Sabha to be filled by the representatives of the States/Union territories.

The Rajya Sabha is not subject to dissolution, but as nearly as possible, one-third of its members retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law. The normal term of office of a member of Rajya Sabha is six years from the date of election or nomination.

House of the People (Lok Sabha)

The Lok Sabha, as the name itself signifies, is composed of representatives of the people chosen by direct election on the basis of adult suffrage. The maximum strength of the House envisaged by the Constitution is 552 – upto 530 members to represent the States, upto 20 members to represent the Union territories and not more than two members of the Anglo-Indian Community to be nominated by the President if, in his opinion, that community is not adequately represented in the House. The total elective membership of the House is distributed among the States in such a way that the ratio between the number of seats allotted to each State and the population of the State is, so far as practicable, the same for all States. The qualifying age for membership of the Lok Sabha is 25 years. The Lok Sabha at present consists of 545 members.

The Lok Sabha, unless sooner dissolved, continues for five years from the date appointed for its first meeting and the expiration of the period of five years operates as dissolution of the House. However, while a Proclamation of Emergency is in operation, this period may be extended by Parliament by law for a period not exceeding one year at a time and not exceeding in any case beyond a period of six months after the Proclamation has ceased to operate.

Following the first General Elections held in the country in 1952, the First Lok Sabha met for the first time on 13 May 1952. The Second Lok Sabha met for the first time on 10 May 1957, the Third Lok Sabha on 16 April 1962, the Fourth Lok Sabha on 16 March 1967, the Fifth Lok Sabha on 19 March 1971, the Sixth Lok Sabha on 25 March 1977, the Seventh Lok Sabha on 21 January 1980, the Eighth Lok Sabha on 15 January 1985, the Ninth Lok Sabha on 18 December 1989, the Tenth Lok Sabha on 9 July 1991, the Eleventh Lok Sabha on 22 May 1996, the Twelfth Lok Sabha on 23 March 1998, the Thirteenth Lok Sabha on 20 October 1999 and Fourteenth Lok Sabha on 2 June, 2004.

Functions

The main function of both the Houses is to make laws. Every Bill has to be passed by both the Houses and assented to by the President before it becomes law. The subjects over which Parliament can legislate are the subjects mentioned under the Union List in the Seventh Schedule of the Constitution of India. Broadly speaking, Union subjects are those important subjects which for reasons of convenience, efficiency and security are administered on all-India basis. The principal Union subjects are defence, foreign affairs, railways, insurance, communications, currency and coinage, banking, income tax, customs, excise duties, atomic energy, census, etc. Apart from the wide range of subjects allotted to it in the Seventh Schedule of the Constitution, even in normal times Parliament can, under certain circumstances, assume legislative power over a subject falling within the sphere exclusively reserved for the States.

Further, in times of grave emergency when the security of India or any part thereof is threatened by war or external aggression or armed rebellion, and a Proclamation of Emergency is made by the President, Parliament acquires the power to make laws for the whole or any part of the territory of India with respect to any of the matters enumerated in the State List. Similarly, in the event of the failure of the constitutional machinery in a State, the powers of the

Legislature of that State become exercisable by or under the authority of Parliament. This apart, the Constitution also vests in the Parliament the constituent power or the power to initiate amendment of the Constitution.

Besides passing laws, Parliament can by means of resolutions, motions for adjournment, discussions, questions addressed by members to Ministers, system of committees, etc., exercise control over the administration of the country and safeguard people's liberties.

The Presiding Officers

Each House of Parliament has its own Presiding Officers. In the Lok Sabha, both the Presiding Officers, i.e. the Speaker and the Deputy Speaker are elected from amongst its members. In the Rajya Sabha, the Vice-President of India is the ex officio Chairman. He is elected by the members of an electoral college consisting of the members of both the Houses of Parliament in accordance with the system of proportional representation by means of a single transferable vote. The Deputy Chairman of the Rajya Sabha is, however, elected by the members of the Rajya Sabha from amongst themselves.

Leader of the House

Each House of Parliament has a Leader. The Prime Minister, who is the Leader of the majority party in the Lok Sabha, functions as the Leader of the House in the Lok Sabha except when he is not a member of the Lok Sabha. In the case, when the Prime Minister is not a member of the Lok Sabha, he appoints/nominates a Minister, who is a member of the Lok Sabha, to be the leader of the House in the Lok Sabha. The senior-most Minister, who is a member of the Rajya Sabha, is appointed by the Prime Minister as the Leader of the House in the Rajya Sabha.

Leader of the Opposition

Each House of Parliament has a Leader of the Opposition. The Salary and Allowances of Leaders of Opposition in Parliament Act, 1977 defines the term 'Leader of the Opposition' as that member of the Rajya Sabha or the Lok Sabha who, for the time being, is the Leader of that House of the Party in Opposition to the Government having the greatest numerical strength and recognized, as such, by the Chairman of the Rajya Sabha or the Speaker of the Lok Sabha.

Sessions

Normally, three Sessions of Parliament are held in a year: (i) Budget Session (February-May); (ii) Monsoon Session (July-August); and (iii) Winter Session (November-December).

Judicial organization

Judiciary is that branch of government which interprets law, settles disputes and administers justice. Laws are like dead letters without courts to explain and expound their meaning. Judiciary is the watchdog of democracy, guardian of the constitution as well as champion of liberty. In India the structure of judiciary is like a pyramid. The Supreme Court is at the apex, below it, there are High Courts, the next step in the hierarchy are the district courts and at the bottom of the judicial pyramid are the subordinate courts. In India, the courts from top to bottom deal with the disputes arising under the laws enacted by the Union Parliament as well as by state legislatures.

Functions of the Judiciary

Administration of Justice: To apply the law to specific cases or disputes. When it brought before the courts and renders the appropriate awards and judgment. Creation of judge made law When the might appear in conflict under the given circumstances, judges decided appropriate law on the basis of their wisdom and common sense. Under the doctrine of the 'stare decisis' the previous decision of judges are regarded as binding on forthcoming similar cases.

Guardian of the Constitution: The conflicts of jurisdiction between the central government and the state governments or between the legislature and the executive are decided by the court. Any law or executive order which violates any provision of the constitution is declared unconstitutional or null and void by the judiciary. For e.g. Judicial review guaranteeing the fundamental rights of individuals and ensuring balance between the union and the units in a federal state.

Protector of Fundamental Rights: The judiciary protects the rights of people against the encroachment of the government or any other association or individual. The superior courts enforce the fundamental rights of the people through appropriate writs in the nature of Habeas Corpus, Mandamus, Certiorari, Quo-Warranto etc.

Advisory Function: In India the Supreme Court, the highest court of law, may give advisory opinion on constitutional questions. Such advice is given even in the absence of an actual dispute, when the chief executive so desires.

Supervisory Function: Higher courts, in most cases, are assigned the task of supervising the work of the lower courts. The High Courts supervise the work of the subordinate courts in India.

Non-judicial or Administrative Functions: Miscellaneous functions like the courts may grant certain licenses, administer the estates of deceased persons and appoint receivers. They register marriages; appoint guardians of minor children and lunatics. In some states, they are authorized to confer citizenship on aliens. Superior courts are given the power to exercise control over their officers and servants.

Supreme Court

Appointment of the Chief Justice of India: There is no procedure laid down for the appointment of the Chief Justice of India. A convention was followed to appoint the senior most judge as the Chief Justice until it was broken by Mrs. Indira Gandhi who appointed justice A. N. Ray as the chief justice superseding three senior justices of the Supreme Court. The Supreme Court has laid down in a judgment that only the senior most judge of the Supreme Court is eligible to become the Chief Justice. At present the convention of appointing the senior most judges as the chief justice prevails.

Appointment of Judges (Art. 124): Every judge of the Supreme Court shall be appointed by the President after consultation with such judges of the Supreme Court and of the High Court as the President may deem necessary. In case of the appointment of a judge other than the chief justice, the chief justice of India shall always be consulted. The consultation process has been made systematic, elaborate and effective by the Supreme Court in various cases known as Supreme Court Judges case.

The Supreme Court has held that the Chief Justice must consult the four senior most judges of the Supreme Court and if two judges give an adverse opinion, the Chief Justice should not send the recommendation to the government. Thus, the word consultation with the judiciary while appointing the Supreme Court judges has been practically converted into concurrence.

Qualification for appointment as a Judge (Art. 124):

No person shall be qualified for appointment as a judge of the Supreme Court unless he is:

- A citizen of India; and
- Has been for at least 5 year a judge of a High Court; or
- Has been for at least 10 years an advocate of High Court; or
- Is in the opinion of the President, a distinguished jurisdictions (a highly qualified academia / law professor)

Tenure:

A judge of the Supreme Court holds office until he attains the age of 65 years. No minimum age for appointment is fixed. A judge may at any time resign his office by writing addressed to the President. He may be removed by the President by an order issued after being presented an address by each House of Parliament passed by special (also known as double majority) majority.

Such removal can be on the ground of:

1. Proved misbehaviour or
2. Incapacity.

Salary of Supreme Court Judges:

Chief Justice -1 lakh and Other Judges -90,000 (From consolidated fund of India). Appointment of acting Chief Justice (Art. 126): In case of absence of the Chief Justice of the Supreme Court by any reason, the President may appoint a judge of the Supreme Court as the acting Chief Justice during such absence.

Ad-hoc Judges (Art. 127):

The Chief Justice with the previous consent of the President can ask a High Court judge after consulting the chief justice of that High Court to attend at the sittings of the Supreme Court as an ad hoc judge. The ad hoc judge will have all the jurisdiction, powers and privileges of a judge of the Supreme Court.

Attendance of retired Judges (Art. 128): The chief justice may with the prior consent of the President request a retired judge of the Supreme Court or a High Court who is qualified to be judge of the Supreme Court to and act as a judge of the Supreme Court. The President may determine his allowances. He

shall have all the jurisdiction, powers and privileges of the Supreme Court. But he shall not be deemed to be a judge of the Supreme Court.

Removal of Supreme Court judges Art. 124(4): The manner of removal of a Supreme Court judge which is an impeachment like process. A judge may be removed from his office on the ground of:

1. Misbehavior or
2. Incapacity.

The removal involves the following steps: A motion for presenting an address to the President praying for the removal of a judge must be signed by at least 100 members of the Lok Sabha (if notice is given in the Lok Sabha). The Chairman or the Speaker (as the case may be) may consult such persons as he thinks fit and consider such material as may be available and may admit the motion or refuse to admit it. If the motion is admitted, a committee consisting of 3 persons will be constituted of whom:

1. One shall be from among the Chief Justice and judges of the Supreme Court.
2. One shall be from among the Chief Justice and the judges of the High Court.
3. One shall be a person who is a distinguished jurist.

If the committee arrives at a finding that the judge is guilty of misbehaviour or suffers from an incapacity, then the motion for removal of the judge together with the report of the committee will be taken up for consideration in the House in which it is pending. The motion must be passed by each House by a majority of the total membership of that House and by a majority of not less than two-third of the members of that House present and voting. After being so passed, the address is presented to the President.

The President passes an order removing the judge. By order of President, after an address in each house of parliament, supported by a majority of total membership of the house & passed by a resolution supported by not less than 2/3rd of the members present & voting.

Lok Sabha: A motion can be preferred before the house if signed by 100 members.

Rajya Sabha: A motion can be preferred before the house if signed by 50 members.

Only on grounds of proven misbehavior or incapacity. Only after giving 14 days prior notice to said Judge against whom the motion is passed. A 3 persons judicial committee is formed headed by serving judge of SC and 2 others from (SC or HC or eminent jurists). Report of same must be passed by both the houses & President.

Acting CJ & Ad Hoc Judges

Appointment of Acting CJ:

By President if CJ is ill or incapable to serve.

Appointment of Ad-hoc Judges:

IF there is lack of quorum of Judges of SC to hold or continue any session in court, CJ of India with previous consent of President & after consultation with CJ of HC concerned, request in writing the attendance of judges to sit in SC as ad-hoc judges for certain period (Judges shall be qualified to be judges of SC).

Retired judges of SC can sit in SC as Ad-hoc Judges on request of CJ after consent of President, provided they fulfill the criteria of SC. Criminal proceedings initiation against a judge of SC or HC requires CJs consent. After retirement, a Judge of SC is prohibited from practising or acting as a judge in any court.

Independence of Supreme Court:

The Constitution secures the independence of the judges of the Supreme Court by the following provisions: The appointments are made by the President in consultation with the Chief Justice of India. The judges are to be removed by Parliament through a tough impeachment process. They cannot be removed by the executive. Salaries, allowances and pensions of Supreme Court judges are charged on the Consolidated Fund of India (CFI) and shall not be varied to their disadvantage. The conduct of a judge cannot be discussed in the parliament or any legislature (Art.121 and 211). A retired judge of the Supreme Court is prohibited from pleading or acting in Jurisdiction and Power of Supreme Court

Original Jurisdiction:

Original jurisdiction of SC is power to hear a case for the 1st time unlike Appellate jurisdiction. Purely federal in character i.e. have exclusive authority to decide any dispute involving a question of law between, UOI (Union) v/s state or states – UOI & any state / states on one side & state / states on the other – Two or more states. However, according to 7th amendment, 1956, original

jurisdiction of SC does not extend to disputes, arising out of provisions of a treaty, agreement etc. which was executed before 26th Jan 1950 & is in operation ever since.

As per article 71, all disputes regarding election of President & vice President are handled by SC Exclusion to original jurisdiction of states (Art.131). In disputes between centre & state due to disputes arising out of provisions of a treaty, agreement etc. which was executed before 26th Jan 1950 & is in operation ever since. Parliament may by law exclude SC's jurisdiction in disputes with respect to use, distribution & control of water in any interstate river.

Exclusive jurisdiction in following cases:

- Between the government of India and one or more states.
- Between the government of India and one or more states on one side, and one or more states on the other.
- Between two or more states. The dispute must involve any question of law or fact on which the existence or extent of a legal right depends. A legal right is one which is capable of enforcement by a Court law. It must be based on a rule of positive law and not be a matter of political considerations

Appellate Jurisdiction:

Constitutional Matters (Art.132)

- a. Appeal lies to SC if HC certifies that the case involves a substantial question of law as to interpret the constitution.
- b. If HC refuses to give certificate, SC may grant a special leave for appeal if it is satisfied that case does involve such question.

Civil Matters: An appeal lies to SC from any judgement in civil proceeding of HC if it certifies:

- c. That the case involves a substantial question of law of general importance.
- d. That in opinion of HC, the said question needs to be decided by SC. Thus, No appeal in case of civil matters lies to SC as a matter of right as it lies only when HC issues a certificate on above 2 conditions

Criminal Matters (Art.134): Constitution provides the following provisions as to appeal in criminal matters:

- e. If HC has sentenced someone to death
- f. If HC has withdrawn for trial before itself a case from the lower court & in such trial, lower court has sentenced the accused to death
- g. If HC certifies that the case is fit for appeal to SC, even if HC on appeal has reversed an order of acquittal of accused & sentenced him to death or life imprisonment or for period not less than 10 years (Appellate Jurisdiction is not Applicable in cases of Court Martial) Grant of special leave to appeal – Article 136 Articles 131, and 133 provide for appeals to the Supreme Court from constitutional, civil and criminal matters respectively.
- h. Under Article 136, the Supreme Court has the power to grant special leave to appeal from any judgement, decree, determination, sentence or order of a Court or tribunal except military tribunals. In the earlier articles, the appeals flow only from the determinations of a High Court.
- i. Article 136 puts no such restrictions. Under this article, the Supreme Court may hear an appeal even from a subordinate court or tribunal. Even where the law does not provide for any appeal, e.g., from Industrial Tribunals, Election Tribunals, the Central Board of Revenue, the Central Government, the Railway Rates Tribunal, etc.

Advisory Jurisdiction (Only consultative Role):

- j. President can refer to court either on a question of law or on a question of fact provided it is of public importance. However, it is not compulsory for court to give its advice.
- k. Further, President is empowered to refer to SC for its opinion regarding disputes, arising out of provisions of a treaty, agreement etc. which was executed before 26th Jan 1950 & is in operation ever since. In such case, it is obligatory for the court to give its opinion to President (In this cases, opinion expresses by SC is only advisory in nature & not binding on President).

Revisory Jurisdiction

- Empowered to review any judgment or order made by it with a view to remove any mistake or error that might have crept in judgment
- Even though, judgment have been passed by SC has a binding effect on all the courts of India, but not on SC itself.
- Supreme Court as Court of Record:
- Records & judicial proceedings are of evidentiary value before any court. Has power to determine its own jurisdiction

Contempt of court:

(Supreme Court has power to punish its own contempt).

Civil: Willful disobedience to any judge or other processes of the court.

Criminal: Publication of any matter or doing any act whatsoever which scandalizes or tend to scandalize authority of the court or tend to interfere course of any judicial proceedings.

High Courts

The judiciary in the states consists of a High Court and a system of subordinate courts below it. The High Court is at the apex of the judiciary in the state. Article 214 provides for High Court for each state but there can be common High Courts for two or more states established by Parliament under Article 231. Under Article 230 the jurisdiction of High Court can be extended to the Union Territories also. At present there are only 24 High Courts. A High Court may also have one or more benches of itself within the area of its territorial jurisdiction.

- Indian High court Act, 1861
- High courts established at Calcutta, Bombay & Madras.
- Constitution states that there shall be HC in every state, but, parliament has the power to establish a common HC for 2 or more states.
- Strength of HC is flexible (Unlike SC – which can be increased by parliament).
- President may from time to time appoint judges of HC, keeping in view amount of work before HC.

Appointment of High Court Judges:

Initiation of proposal for appointment of judges of HC must invariably be made by CJ of that HC Appointment is made with respect to recommendations of NJAC Composition of the NJAC – 6 members i.e. Chief Justice of India (Chairperson, ex officio), Two other senior judges of the Supreme Court next to the Chief Justice of India – ex officio, The Union Minister of Law and Justice, ex-officio, Two eminent persons (one of which would be from the SC or ST or OBC or Minority communities or a woman), for 3 yrs, not eligible for re-nomination, to be nominated by a committee consisting of:

Chief Justice of India-Prime Minister of India – Leader of opposition in the Lok Sabha (where there is no such Leader of Opposition, then, the Leader of single largest Opposition Party in Lok Sabha).

Functions of the Commission: Recommending persons to president for appointment as:

- Chief Justice of India.
- Judges of the Supreme Court.
- Chief Justices of High Courts and other Judges of High Courts.
- Recommending transfer of Chief Justices and other Judges of High Courts from one High Court to any other High Court. Ensuring that the persons recommended are of ability and integrity.

Appointment of Acting CJ, Additional Judges & Ad Hoc Judges

High Court Appointment of acting CJ By President if CJ is ill or incapable to serve. Appointment of additional judges Duly qualified persons as additional judges , for a period of not extending 2 years (when President thinks that there is temporary increase in business of HC) Ad hoc judges CJ of HC with prior permission to President may request retired HC judges to sit & act as a judge of HC for a temporary period Tenure of High Court Judges, 62 Years. Any dispute regarding the age of judge of HC is decided by President in consultation with CJ of India Removal of High Court Judges. HC judge can resign by writing to President; or. By same removal process as in case of SC judges. Rs. 90,000 and Others – Rs.80,000, From consolidated fund of State. Oath – before Governor (Unlike before President as in case of Supreme Court).

Qualification for High Court Judges

Must be citizen of India. Must have held a judicial office in territory of India for atleast 10 years or. Must have been an advocate of HC in succession for 10 years. After retirement a judge of HC cannot plead in a court or before any authority in India except in SC or HC other than in which he held office
Jurisdiction of High Court.

Original Jurisdiction

- In civil cases with amount > 2000.
- In criminal cases, authorised to them by President Magistrates.

Appellate Jurisdiction

All HCs entertain appeals in civil & criminal cases from their subordinate courts. They have, however, no jurisdiction over tribunals established by the law relating to armed forces of the country.

Writ Jurisdiction

- Jurisdiction to issue writs under HC is larger than the SC.
- SC can issue them only where a FR has been infringed whereas a HC can issue them, not only in such cases but also where an ordinary legal right has been infringed.

Administrative & supervisory Functions of HC:

- HC supervise & controls the working of courts subordinate to them.
- Frame rules & regulations for transactions of their business. For ex. Transfers, Postings, Promotions etc.
- Not applicable in case of tribunals dealing with armed forces (HC acts as court of records & has power to punish its own contempt)

Superintendence over Courts:

- Under Article 227 every High Court has a power of superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction. Superintendence covers both administrative as well as judicial.
- The power of superintendence is an extraordinary power to be exercised most sparingly and only in appropriate cases in order to keep the subordinate courts within the bounds of their authority and not for making trifling corrections.

- The High Court should intervene in cases of gross injustice or non-exercise or abuse of jurisdiction even though there is no provision for appeal or revision.
- Transfer of Certain Cases to High Court (Article 228): If the High Court is satisfied that a case pending in a subordinate Court involves a substantial question of law as to the interpretation of the Constitution, the High Court will withdraw the case and either determine the question of law and return the case to the court from where it was withdrawn or dispose of the case itself.

Control over the Subordinate Judiciary:

As the head of the judiciary in the State, the High Court has got an administrative control over the subordinate judiciary in respect of certain matters. The subordinate courts include District Judges of the city, Civil Courts as well as the Metropolitan Magistrates and Members of the Judicial Services.

The control over the judges of these subordinate courts is exercised by the High Court in the following matters:

1. The High Court is to be consulted by the Governor in the matter of appointing, posting and promoting district judges.
2. The High Court is consulted along with the state Public Service Commission, by the Governor, in appointing persons to the judicial service of the state.
3. The control over district courts and courts subordinate thereto, including the posting and promotion of and the grant of leave to persons belonging to the judicial service and holding any post inferior to the post of a district judge is vested in the High Court.

Superintendence of Subordinate Courts

A High Court has the right of superintendence and control over all the subordinate courts in all the matter of judicial and administrative nature.

In the exercise of its power of superintendence, the High Court may call for any information from the lower courts; may make and issue general rules and prescribe norms for regulating the practice and proceedings of these courts; and it may issue such directions, from time to time, as it may deem necessary.

It can also make rules and regulations relating to the appointment, demotion, promotion and leave of absence for the officers of the subordinate courts.

Qualifications and Appointment of Judges

The judges of subordinate courts are appointed by the Governor in consultation with the Chief Justice of the High Court of the concerned State.

These days, in most of the States judicial service officers including the magistrates are selected through competitive examinations held by the State Public Service Commission. They are finally appointed by the Governor.

Any person who has been an advocate for at least seven years or one who is in the Structure of Government service of the State or the Central Government is eligible to be a judge of the District Court provided he/she possess the required legal qualifications.

The Designation System:

As per the direction of the Supreme Court, a uniform designation has been brought about in the subordinate judiciary's judicial officers all over the country, namely, district or Additional District Judges, Civil Judge (Senior Division) and Civil Judge (Junior Division) in the Civil Courts and in Criminal Courts, Sessions Judge, Additional Sessions Judge, Chief Judicial Magistrate and Judicial Magistrate, etc. Supreme Court of India High Courts Subordinate or Lower Courts in Districts Civil Courts Criminal Courts Revenue Courts District Judge District Judge and District & Sessions Judge Board of Revenue Sub-Judge Family Metropolitan or I Class Magistrate Commissioner, Collector Munsif II Class Magistrate Tehsildar Small Cause Court, LokAdalat III Class Magistrate Asst. Tehsildar

The next set of courts is described as courts of District and Sessions Judge, which also includes courts of the Additional Judge, Joint Judge, or Assistant Judge. The court of the District and Sessions Judge at the district level is the principal court of original jurisdiction.

It is presided over by an officer called the District and Sessions Judge. As a rule, the same officer is invested with power under both the statutes and presides over the court, known as the District and Sessions Court.

Depending upon workload, a district court may have jurisdiction over more than one district- In some states, there is a court called the Court of Civil and Sessions Judge.

These courts generally have unlimited pecuniary jurisdiction and depending upon the power conferred on the incumbent officer-in-charge of the court, it can handle criminal cases. In some states, these courts with unlimited pecuniary jurisdiction are called Courts of Civil Judge (Senior Division) while in other states they are described as Courts of Subordinate Judge. In addition there are courts known as Small Causes Courts.

Chief Minister

The first step to the establishment of a ministry is the designation of a Chief Minister. The party leader with a maximum share of votes in the assembly elections is appointed as the Chief Minister of the state. The chief minister is referred to as the executive head of the state. The current post of CM is in the hands of Arvind Kejriwal. The role of the governor is to appoint the chief minister. Chief Minister is appointed for each state (28 states) and 2 union territories (currently Delhi and Puducherry). He is the powerful official of the state government. Article 164 of the constitution throws light on the role of the Governor in appointing the chief minister and the other ministers. The duties of chief minister are mentioned in Article 167 of the constitution. The chief minister is to the state as the prime minister is to the centre.

Duties of Chief Minister

Article 167 of the Indian Constitution, states the vital responsibilities that a chief minister is ought to fulfil.

With regard to Governor

CM advises the Governor in affairs of the appointing of significant officers like advocate general, chairman and members of the State Public Service Commission, etc.

Article 167 holds the responsibility of the chief minister to keep the governor acknowledged about the decisions related to administration and legislation furnished by the cabinet.

Chief Minister's Share of Power in regard with the Council of Ministers

The state legislative assembly is the collective duty of the council of ministers. The council of ministers includes ministers who are the heads of their respective ministries or department e.g. Ministry of Textile, Ministry of External Affairs, etc. The council of ministers is also referred to as Cabinet.

According to Article 164 of the Indian Constitution, ministers shall hold office during the pleasure of the Governor.

The council of ministers acts as the reinforcement for the status of the chief minister.

On the nod of the chief minister, the governor then appoints the ministers.

Allotment and rearrangement of portfolios among the ministers is as per the will of the chief minister.

During the assembly, it is the responsibility of the CM to guide and safeguard its council around any negotiations.

He plays a pivotal role in keeping a check on whether a decision made by the council is sound and lucid.

The resignation or death of the CM leads to the automatic termination of the council of ministers.

Amidst any air of disparity with a minister, he can advise the governor, regarding the removal of the minister.

The political conditions prevailing in the state also decide the strength of the CM in regard to the Council of Ministers.

The Chief Minister's position is reinforced if there is a state or regional party in action.

A regional or state party, as the name suggests works solely in a particular region or state and doesn't operate outside state boundaries.

When there is an alliance between different political parties, a coalition is sought to take place, that is referred to as a coalition form of government.

All the parties agree to come together and collaborate to run the government.

But, this form of government can cause a downfall in the strength of the chief minister.

In both the cases, the CM has to maintain equilibrium among the coalition or different segments of the party by finding a middle ground among them.

With Regard to the Legislature

All the MLAs (members of legislative assembly) who assemble in the legislative assembly are called the Legislature. A legislature is formed by a governor and one house or two houses. The two houses are the legislative council also known as VidhanParishad& Legislative assembly also known as Vidhan Sabha.

The composition of Legislative Assembly/Vidhan Sabha of a state is maximum of 500 members and not a minimum of 60 members. Elections in territorial constituencies in the state lead to the selection of the legislative assembly. The Legislative Council/VidhanParishad of a state comprises a maximum of one-third of the total number of members in the legislative assembly of the state and minimum of 40 members.

The chief minister accounts for the proposal of legislation to uphold government policies.

Besides that, the Chief Minister makes statements, mediates debates thereby, keeping the assembly well informed regarding numerous activities.

With regard to Executive

The secretariat headed by the chief secretary aids the chief minister in handling the administration of the state.

Approval of appointments for senior level posts like

Es, also at deputy level, HOD (head of department) and posts in the Public Sector, etc. are made by the chief minister.

Their efficiency is evaluated by administrative agencies and CM's own avenues that include party workers, grievances.

Chief spokesman of the state government

Member of Governing Council of NITI Aayog [the chairperson of NITI Aayog is the Prime Minister (PM) of India].

The governor can summon and prorogue legislative proceedings, on the advice of the chief minister.

Member of the inter-state council

Being a state leader, the CM interacts with various strata of people to hear their grievances and thereby seek solutions for them.

His position is as vital as the position of the prime minister at the centre.

Serve as crisis manager at an hour of emergency.

The position of chairman of the state planning board is headed by the chief minister.

Article 167, the duties of the chief minister highlight the crucial functional roles of a chief minister. Article 164- other provisions as to minister, envisages provisions to ministers such as appointment, tenure, duties, qualifications, oath, salaries and allowances.

Governor of States (Article 152-162)

PART VI of the Constitution deals with the other half of Indian federalism, ie the States. Article from 152-237 deals with various provisions related to States. It covers the executive, legislature and judiciary wings of the states. Article 152 clarifies about the definition of state, while the next set of articles lists the roles and responsibilities of the Governors of states.

Article 152 : Definition

In this Part, unless the context otherwise requires, the expression “State” does not include the State of Jammu and Kashmir.

The Governor

ARTICLE 153: GOVERNORS OF STATES

There shall be a Governor for each State:

Provided that nothing in this article shall prevent the appointment of the same person as Governor for two or more States.

ARTICLE 154: EXECUTIVE POWER OF STATE

(1) The executive power of the State shall be vested in the Governor and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution.

(2) Nothing in this article shall—

(a) be deemed to transfer to the Governor any functions conferred by any existing law on any other authority; or

(b) prevent Parliament or the Legislature of the State from conferring by law functions on any authority subordinate to the Governor.

ARTICLE 155: APPOINTMENT OF GOVERNOR

The Governor of a State shall be appointed by the President by warrant under his hand and seal.

ARTICLE 156: TERM OF OFFICE OF GOVERNOR

(1) The Governor shall hold office during the pleasure of the President.

(2) The Governor may, by writing under his hand addressed to the President, resign his office.

(3) Subject to the foregoing provisions of this article, a Governor shall hold office for a term of five years from the date on which he enters upon his office:

Provided that a Governor shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

ARTICLE 157: QUALIFICATIONS FOR APPOINTMENT AS GOVERNOR

No person shall be eligible for appointment as Governor unless he is a citizen of India and has completed the age of thirty-five years.

ARTICLE 158: CONDITIONS OF GOVERNOR'S OFFICE

(1) The Governor shall not be a member of either House of Parliament or of a House of the Legislature of any State specified in the First Schedule, and if a member of either House of Parliament or of a House of the Legislature of any such State be appointed Governor, he shall be deemed to have vacated his seat in that House on the date on which he enters upon his office as Governor.

(2) The Governor shall not hold any other office of profit.

(3) The Governor shall be entitled without payment of rent to the use of his official residences and shall be also entitled to such emoluments, allowances and privileges as may be determined by Parliament by law and, until provision in that behalf is so made, such emoluments, allowances and privileges as are specified in the Second Schedule.

(3A) Where the same person is appointed as Governor of two or more States, the emoluments and allowances payable to the Governor shall be allocated among the States in such proportion as the President may by order determine.

(4) The emoluments and allowances of the Governor shall not be diminished during his term of office.

ARTICLE 159: OATH OR AFFIRMATION BY THE GOVERNOR

Every Governor and every person discharging the functions of the Governor shall, before entering upon his office, make and subscribe in the presence of the Chief Justice of the High Court exercising jurisdiction in relation to the State, or, in his absence, the senior most Judge of that Court available, an oath or affirmation.

ARTICLE 160: DISCHARGE OF THE FUNCTIONS OF THE GOVERNOR IN CERTAIN CONTINGENCIES

The President may make such provision as he thinks fit for the discharge of the functions of the Governor of a State in any contingency not provided for in this Chapter.

ARTICLE 161: POWER OF GOVERNOR TO GRANT PARDONS, ETC., AND TO SUSPEND, REMIT OR COMMUTE SENTENCES IN CERTAIN CASES

The Governor of a State shall have the power to grant pardons, reprieves, respites or remissions of punishment or to 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.

ARTICLE 162: EXTENT OF EXECUTIVE POWER OF STATE

Subject to the provisions of this Constitution, the executive power of a State shall extend to the matters with respect to which the Legislature of the State has power to make laws:

Provided that in any matter with respect to which the Legislature of a State and Parliament have power to make laws, the executive power of the State shall be subject to, and limited by, the executive power expressly conferred by this Constitution or by any law made by Parliament upon the Union or authorities thereof.

Info-bits related to Governor of States

Powers of the Governor can be broadly classified into executive, legislative (including financial powers) and judicial powers.

Though the Governor has the power to pardon, he cannot pardon a death sentence.

There are also related articles like 163 -167, 174-176, 200-201, 213, 217, 233-234 which touch the sphere of influence of the Governor of a state.

When the governor reserves a bill for the consideration of the President, the assent of the Governor is no longer required (only President's assent would be needed then).

The president is not bound to give his assent to a state bill reserved by the governor for the Consideration of the President and he can return the bill to the houses for reconsideration 'n' times.

State Assembly

A legislative assembly or Vidhan Sabha is a legislative body in a state of India. It is the lower house of a state legislature (The legislative council is the upper house in those states which have bicameral legislature). The Vidhan Sabha is the assembly comprising the members elected directly by the people of the state through adult electoral suffrage. Through the elections to the legislative assembly, the state's Chief Minister, his Council of Ministers and rest of the MLAs are elected.

There is no uniform number of seats allocated to state assemblies; it differs from state to state. The number of seats for a particular assembly is fixed and decided by the Election Commission of India on the basis of the population of the respective states. For instance, the legislative assembly of Uttar Pradesh has the highest number of assembly seats with 404 because the state's population is also the highest amongst all the Indian states. Similarly, the legislative assembly of Sikkim has merely 32 seats owing to its small population.

Qualification for Membership of the Vidhan Sabha

A person seeking membership of the Vidhan Sabha must possess the following qualifications:

1. He must be a citizen of India.
2. He must not be less than 25 years of age.
3. He must have a sound mind.
4. He must not have any criminal record declared by a competent court.
5. He must not be bankrupt.
6. He should be a voter from any constituency of the concerned state.

Presiding Officers in Vidhan Sabha

The Speaker is responsible for conducting all the meetings of the Vidhan Sabha. The Deputy Speaker presides over the house when the Speaker is absent. The Speaker manages the debates and discussions in the Vidhan Sabha and takes a neutral judgment. Both the Speaker and the Deputy Speaker are elected by the majority vote of the members of the Assembly.

Legislative Powers of Vidhan Sabha

In the legislative sphere, both the Houses have been given equal powers by the Constitution. Law making is the prime responsibility and function of the assembly.

Exclusive Powers of Vidhan Sabha

A motion of no confidence can only be initiated in the Vidhan Sabha.

In the case of money bill, the Vidhan Sabha is the sole authority.

In ordinary bills, the decision of the Vidhan Sabha is final.

By a majority of two-thirds, the Vidhan Sabha can ask the President to create or dissolve the Vidhan Parishad.

It has the powers to make laws on every subject in the state list and concurrent list.

The members of the legislative assembly play a role in electing the President of India. The elected members of the legislative assemblies and the Parliament elect the President.

Union-State Relations / Centre-State Relations

The Constitution provides a federal system of government in the country even though it describes India as 'a Union of States'. The term implies that firstly, the Indian federation is not the result of an agreement between independent units and secondly, the units of Indian federation cannot leave the federation.

India is a union of states. The constitution of India has divided the legislative, executive and financial powers between the centre and the states,

which gives the constitution a federal character whereas judiciary is integrated in a hierarchical structure.

The centre-state relations are divided into three parts, which are mentioned below:

Legislative Relations (Article 245-255)

Administrative Relations (Article 256-263)

© Financial Relations (Article 268-293)

Legislative Relations

Articles 245 to 255 in Part XI deals with different aspects of legislative relations between centre and states. These include:

- (1) Territorial jurisdiction of laws made by the Parliament and by the Legislatures of States.
- (2) Distribution of legislative subjects
- (3) Power of parliament to legislate with respect to a matter in the State List
- (4) Centre's control state legislation

However, Seventh Schedule of the Constitution provides for the distribution of legislative powers between the centre and the states. The legislative subjects are divided into List I (the Union List), List II (the Concurrent List) and List III (the State List).

At present, there are 100 subjects in the Union list which includes subjects such as foreign affairs, defence, railway, postal services, banking, atomic energy, communication, currency etc.

At present, there are 61 subjects in the State list. The list includes subjects such as police, public order, roadways, health, agriculture, local government, drinking water facilities, sanitation etc.

At present, there are 52 subjects in the concurrent list. The list includes subjects such as education, forests, protection of wild animals and birds, electricity, labour welfare, criminal law and procedure, civil procedure, population control and family planning, drugs etc.

Article 245 empowers the centre to give directions to the states in certain cases in regards to the exercise of their executive powers.

Article 249 empowers the parliament to legislate with respect to a matter in the State List in the national interest.

Under Article 250, the parliament becomes empowered to make laws on the matters related to state list when national emergency (under Article 352) is in operation.

Under Article 252, the parliament is empowered to legislate for two or more States by their consent.

Administrative Relations

Article 256 to 263 deals with the administrative relations between the centre and the states. Article 256 states that “the executive power of every State shall be so exercised as to ensure compliance with the laws made by the parliament and any existing laws which apply in that State, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose”.

Cooperation between the Centre and the States

The constitution lays down various provisions to secure cooperation and coordination between the centre and the states. These include:

- (i) Article 261 states that “Full faith and credit shall be given throughout the territory of India to public acts, records and judicial proceedings of the Union and of every State”.
- (ii) According to Article 262, the parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley.
- (iii) Article 263 empowers the President to establish an inter-State Council to inquire into and advise upon disputes between states, to investigate and discuss subjects in which some or all of the States, or the Union and one or more of the States, have a common interest.

- (iv) As per Article 307, Parliament may by law appoint such authority as it considers appropriate for carrying out the purposes of the constitutional provisions related to the inter-state freedom of trade and commerce.

Centre-State Relations during Emergency

- (i) During a national emergency (under Article 352), the state government become subordinate to the central government. All the executive functions of the state come under the control of the union government.
- (ii) During a state emergency (under Article 356), the president can assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or authority in the State other than the Legislature of the State.
- (iii) During the operation of financial emergency (under Article 360), the Union may give directions to any State to observe such canons of financial propriety as may be specified in the directions, and to the giving of such other directions as the President may deem necessary and adequate for the purpose.

Financial Relations

The Constitution deals with the centre-state financial relations in Article 268-293 of Part XII.

Allocation of taxing powers

The Constitution has provided the union government and the state governments with the independent sources of revenue. It allocates the powers to centre and the states in the following way:

- (i) The parliament has exclusive power to levy taxes on the subjects mentioned in the Union List.
- (ii) The state legislatures has exclusive power to levy taxes on the subjects mentioned in the

State List

- (iii) Both the parliament and the state legislature are empowered to levy taxes on the subjects mentioned in the Concurrent List.
- (iv) The parliament has exclusive power to levy taxes on the matters related to the residuary subjects.

However, in case of tax revenue distribution,

Article 268 states that duties are levied by the Union but are collected and appropriated by the States;

Service tax levied by Union and collected and appropriated by the Union and the States (Article 268-A);

Taxes levied and collected by the Union but assigned to the States (Article 269);

Taxes levied and collected by the Union but distributed between the Union and the States (Article 270).

Surcharge on certain duties and taxes for purposes of the Union (Article 271)

Under Article 275, the parliament is authorized to provide grants-in-aid to any state as parliament may determine to be in need of assistance, and different sums may be fixed for different States.

Under Article 282, the union or a state may make any grants for any public purpose, notwithstanding that the purpose is not one with respect to which Parliament or the Legislature of the State, as the case may be, may make laws.

Under Article 352, during the operation of national emergency, the distribution of revenues between the centre and the states can be altered by the president.

Under Article 360, during the financial emergency, the executive authority of the Union shall give directions to any State to observe such canons of financial propriety as may be specified in the directions and to the give the directions as the President may deem necessary and adequate for the purpose.

The important recommendations of the first administrative reforms commission related to the centre-state relations are:

Establishment of an Inter-state council under Article 263

Decentralization of powers to the states as much as possible

More transfer of financial resources to the states

Arrangements for devolution in such a way that the states can fulfil their obligations

Advancement of loans to states should be related to as 'the productive principle'.

Deployment of central armed forces in the states either on their request or otherwise

During state emergency, under Article 356, President's Rule can be imposed in event of the failure of constitutional machinery in a state.

Union Territories

What are Union Territories?

Union Territories (UTs) are federal territories and are administered by the Union Government of India. They are also known as centrally administered territories. In the Union Territories, Lieutenant Governors (LGs) are appointed by the President of India. The LGs serve as the UT administrators.

Background

The UTs were introduced in the States Reorganisation Act, 1956. The concept of the UT was added by the Constitution (Seventh Amendment) Act, 1956.

Need for UTs

The varying reasons for the formation of UTs included – such territories being too small to be independent or too different (economically, culturally and geographically) to be merged with the surrounding states or were financially weak or politically unstable. Due to the aforementioned reasons, they couldn't survive as separate administrative units and needed to be administered by the Union Government. Some were made UTs given their location or special status.

The UTs of Daman and Diu was under the rule of the Portuguese, while Pondicherry was under the rule of the French.

They have a different culture than their surrounding States and special provisions may be required to preserve this identity as well as to provide effective governance.

Lakshadweep and Andaman and Nicobar islands are located far from mainland India and occupy strategic locations.

Union government control on them may be considered a necessity from a national security point of view.

Delhi is the administrative capital of India while Chandigarh is the administrative capital of both Haryana and Punjab.

The special place that Delhi occupies in India's polity due to it being the capital of the country necessitates union government control on it.

In 1956, we had 14 states and six UTs. Over the years, the number of states increased to 28 and UTs to eight.

Himachal Pradesh, Manipur, Tripura, Sikkim, Goa, Arunachal Pradesh and Mizoram are some UTs that became full states since the 1960s.

Union Territories in India

India currently has 8 Union Territories (UTs) – Delhi, Andaman and Nicobar, Chandigarh, Dadra and Nagar Haveli and Daman and Diu, Jammu and Kashmir, Ladakh, Lakshadweep, and Puducherry.

In 2019, Jammu and Kashmir Reorganisation Act, 2019 was passed by the Indian Parliament and it reconstituted the state of Jammu and Kashmir into two Union Territories — UT of Jammu and Kashmir and UT of Ladakh. Read more on the former status of Jammu & Kashmir in the link.

In 2020, Dadra and Nagar Haveli, and Daman and Diu were merged into a single Union Territory known as Dadra and Nagar Haveli and Daman and Diu.

Constitutional Provisions related to UTs

Articles 239 to 241 in Part VIII of the Constitution deal with the union territories and there is no uniformity in their administrative system.

The original Constitution under Article 239 provided for the administration of UTs directly by the President through the administrators. Article 239A was brought in 1962, to enable Parliament to create legislatures for the UTs. In this direction, some UTs were provided with a legislature and a Council of Ministers to fulfil the democratic aspirations of the people of these territories. Article 239AA on the Indian Constitution was added by Constitution (69th Amendment) act, 1991 according special provisions for the National Capital Territory of Delhi.

Under Article 240, President has the power to make regulations for the peace, progress and good governance of Andaman and Nicobar Islands, Lakshwadeep, Dadra and Nagar Haveli, Daman and Diu and Puducherry. In the case of Puducherry, the President can make a regulation to legislate only when the assembly is suspended or dissolved.

A regulation made by the President has the same force and effect as an act of Parliament.

Article 241 states that the Parliament may by law constitute a High Court for a Union Territory or declare any court in any territory to be a High Court for all or any of the purposes of the Constitution. Only NCT of Delhi has a separate High Court.

Constitutional status:

- The Centre has powers to administer the Union Territories through administrators.
- The union territories, except Puducherry and Delhi, do not have any legislatures of their own. Thus, the power to make laws on any of the subjects under all lists mentioned in the Seventh Schedule resides with the Parliament. This power also covers Puducherry and Delhi.
- The Ministry of Home Affairs at the Centre is the nodal ministry for all matters related to Union Territories relating to legislation, finance and budget, services and appointment of Administrators.

Difference between State and Union Territory

- In this section, you can understand the differences between a state and a union territory in India.
- While the Indian States enjoy a federal relationship with the Union Government with the division of legislative and executive powers, in the case of a UT, it is more of a unitary relationship with the Union Government as all the legislative and executive powers reside with the Government of India.
- A State is a constituent division and has its own elected government that has the powers to frame laws while a Union Territory is a small administrative unit and is ruled by the Union Government except for Delhi, Jammu and Kashmir and Pondicherry.
- A Governor is the constitutional head of the State while the President of India is the executive head of the Union Territory. Also, the administrator's position is quite distinct from the position of a Governor of a State. He/She does not have the discretion accorded to the Governor, whose is an independent position under the Constitution. The administrator is an agent of the central government.
- The Chief Minister elected by the people administers the State while the Union Territory is administered by an administrator or Lieutenant Governor appointed by the President of India.
- States enjoy autonomous powers while the Union Territories do not have autonomous powers.
- Read more on the differences between a state and a UT in the linked article.

Difference between UTs:

- The UTs of Andaman and Nicobar, Chandigarh, Dadra and Nagar Haveli and Daman and Diu, Ladakh and Lakshadweep do not have any legislature while the UTs of Delhi, Jammu and Kashmir, and Puducherry do have an elected legislature and government.
- The legislative assembly of the Union Territory of Puducherry may make laws with respect to matters enumerated in List II or List III in the Seventh Schedule of the Constitution in so far as these matters are applicable in relation to the Union Territory. The legislative assembly of the National Capital Territory of Delhi has also these powers with the

exceptions that Entries 1, 2 and 18 of List II are not within the legislative competence of the legislative assembly.

- Every union territory is administered by the President acting through an administrator appointed by him. And it is up to the President to specify the designation of an administrator. It may be Lieutenant Governor or Chief Commissioner or Administrator.
- In India, five Union Territories namely, Delhi, Puducherry, Ladakh, J&K, and Andaman and Nicobar Islands are governed by a Lieutenant-Governor while the rest 3 UTs are governed by an Administrator.
- **Composition of the legislature:**
- As per the constitutional provisions regarding the composition of the legislature in UTs, it is a body that is elected, or partly elected and partly nominated.
- A legislature that is partly elected and partly nominated cannot uphold democratic aspirations. A simple amendment in the Government of Union Territories Act, 1963 can create a legislature with more than 50% nominated members. A predominantly nominated House cannot promote representative democracy.

Issue of nomination:

- The process of nomination is prone to politicization as observed in the case of Pondicherry.
- The Union government had nominated members to the Assembly without consulting the government and this was challenged in the court.
- Unlike the provision for the nomination of members to the Rajya Sabha under Article 80 which specifies the fields from which members will be nominated, in the case of nomination to the Puducherry Assembly, no such qualification is laid down either in Article 239A or the Government of Union Territories Act. This leaves the field open for the Union government to nominate anyone irrespective of whether he or she is suitable.

Administrator's power:

- The UTs have not been granted necessary autonomy thus depriving them of a fully democratic set-up. Enormous powers have been vested in the Administrator/Lieutenant Governor in the UTs.

- Under Section 44 of the Government of Union Territories Act and Article 239 AA(4) of the Constitution, the administrator has the right to disagree with the decisions of the Council of Ministers and then refer them to the President for a final decision. The administrator can then take all actions he or she deems fit in the matter in total disregard of the elected government. This allows the Union government to control the UT through the administrator and is a hindrance to the idea of a free and autonomous government in the UTs.
- The President decides on the advice of the Union government. So, in effect, it is the Union government which finally determines the disputed issue.
- Despite the SC noting in the NCT of Delhi v. Union of India (2019) case that the administrator should not misuse his/her power to frustrate the functioning of the elected government in the territory and use it after all methods have failed to reconcile the differences between him/her and the Council of Ministers, there has been no improvement in this regard.

UNIT II

Powers of Cabinet Secretary

Everything you need to know about the powers and responsibilities of a Cabinet Secretary and their position. India is the largest democracy, and it has the longest constitution written, keeping every person in mind. The needs and growth of every section of India were considered while framing the living document. Indian democracy has three major components known as an executive, judiciary and legislative, assigned different aspects of the country. Today, the discussion will revolve around legislation, including the cabinet and cabinet secretary. To get a hold of what a cabinet secretary is, one should read about the cabinet.

Powers and Responsibilities of the Cabinet Secretary

The Cabinet Secretary is the most senior and prominent IAS officer in the country. He is directly accountable to the prime ministers and heads various country authorities. Therefore, the cabinet secretary discharged various responsibilities, which are discussed below.

The Cabinet secretary is answerable to the prime minister and the president and vice-president of the country where he should pass on all the major information of the decisions made by the cabinet and its activities to the head of the country.

The position of cabinet secretary is of major significance because of the major role it plays between all the authorities and ministries in the cabinet secretariat. It is the common link of smooth functioning and is not assigned to a specific ministry or even the prime minister's office. The secretary clarifies all the communication in case of inter cabinet disputes or any confusion.

There are major components of the country such as the cabinet and the military, RAW and the civil wing of the country, which also ensures that all the sectors of government can be called at once and the core of communication lies with the head of the secretariat.

The cabinet secretary is also the head of all civil services in India. It is his responsibility to ensure unbiased and disciplined functioning of the most coveted bureaucratic position in the country.

A cabinet secretary is an advisor to the cabinet and the prime minister. He is the senior-most officer who advises and gives recommendations on various other positions in the government. Besides this, a cabinet secretary acts as the head of the cabinet secretariat and chief of secretaries of states.

The position of a cabinet secretary is the most desirable and powerful in the Indian civil services. It is the link between all the cabinets and provides a major hand in the smooth functioning of the government.

- **Fundamental Duties : Part IVA (Article 51A)**
- Part IVA of the Indian Constitution deals with Fundamental Duties. As of now, there are 11 Fundamental duties. Originally, the Constitution of India did not contain these duties. Fundamental duties were added by 42nd and 86th Constitutional Amendment acts.
- Citizens are morally obligated by the Constitution to perform these duties. However, like the Directive Principles, these are non-justifiable, without any legal sanction in case of their violation or non-compliance.
- India borrowed the concept of Fundamental Duties from the USSR.
- The 11 Fundamental Duties of Indian Citizens: Fundamental Rights, Directive Principles of State Policy, and Fundamental Duties' are parts of the Indian Constitution that spell out the states' fundamental obligations to its inhabitants, as well as the citizens' duties and rights to the state. These parts are regarded as essential to the constitution, which was drafted by the Constituent Assembly of India between 1947 and 1949.
- The Fundamental Duties are described as all citizens' moral duties to contribute to the promotion of patriotism and the preservation of India's unity. Individuals and the nation are both affected by the obligations outlined in Part IV–A of the Constitution. They, like the Directive Principles, are not enforceable by courts until legislative law makes them so.

Fundamental Duties of India

- Abide by the Constitution and respect national flag & National Anthem
- Follow ideals of the freedom struggle
- Protect sovereignty & integrity of India
- Defend the country and render national services when called upon
- Sprit of common brotherhood

- Preserve composite culture
- Preserve natural environment
- Develop scientific temper
- Safeguard public property
- Strive for excellence

Duty fo all parents/guardians to send their children in the age group of 6-14 years to school.

Fundamental Duties in Indian Citizens: A look at the history

The Indian independence movement aimed to attain the principles of liberty and social welfare as the aims of an independent Indian state, which gave birth to the Fundamental Rights and Directive Principles. Civil rights were an essential component of the Indian independence struggle, with one of the INC's goals being to eliminate discrimination between British rulers and their Indian people. Between 1917 and 1919, the INC adopted resolutions that expressly stated this desire. Indians' rights to equality before the law, free expression, and jury trials were among the claims made in these resolutions.

The 1946 Cabinet Mission to India suggested a Constituent Assembly that would create a Constitution for India as part of the power transition process during the last phases of the British Raj. According to the Cabinet Mission's concept, the Assembly would have an Advisory Committee that would counsel it on the nature and scope of basic rights, minorities' protection, and tribal governance. As a result, the Advisory Committee was established. In February 1947, a twelve-member subcommittee on Fundamental Rights was established under the chairmanship of J. B. Kripalani. By April 1947, the subcommittee had finished drafting the Fundamental Rights and had presented its report to the Committee. Later that month, the Committee presented it to the Assembly, which debated and reviewed the rights over the next year, eventually adopting most of the versions by December 1948. The Directive Ideas, which were also prepared by the subcommittee on Fundamental Rights, espoused the socialist concepts of the Indian independence struggle and were influenced by comparable principles in the Irish Constitution. The 42nd Amendment, which was ratified in 1976, adds the Fundamental Duties to the Constitution.

It is the responsibility of all parents and guardians to send their children aged 6 to 14 to school.

Article 51A: Fundamental duties

It shall be the duty of every citizen of India –

(a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;

(b) to cherish and follow the noble ideals which inspired our national struggle for freedom;

(c) to uphold and protect the sovereignty, unity and integrity of India;

(d) to defend the country and render national service when called upon to do so;

(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;

(f) to value and preserve the rich heritage of our composite culture;

(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

(h) to develop the scientific temper, humanism and the spirit of inquiry and reform;

(i) to safeguard public property and to abjure violence;

(j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

(k) to provide opportunities for education by the parent the guardian, to his child, or a ward between the age of 6-14 years as the case may be.

Responsibilities

Fundamental responsibilities are the moral obligations that all citizens of a nation have, and in India, there are 11 fundamental duties that are mentioned in Part IV-A of the Constitution to encourage patriotism and reinforce India's unity. The basic obligations of India were not originally included in the Indian Constitution; rather, the 42nd and 86th Constitutional Amendment Acts introduced them. The list of basic rights and duties, as well as the Directive Principles of State Policy, are parts of the Indian Constitution that detail the states' important obligations to its inhabitants, as well as their responsibilities and rights as Indian citizens.

In the same way that all citizens have equal rights, they also have an equal basic obligation to uphold other rights (as listed in Article 21) and to ensure that these rights are not violated. Without executing their corresponding basic obligations, a person cannot expect to enjoy all of the benefits and freedoms granted by the law. The Indian Constitution, commonly known as the Law of the Land, originally came into being in 1946, when the constituent parliament met for the first time following India's independence. Dr. Rajendra Prasad was elected president of the constituent assembly. The notion of elucidating constitutional primacy demanded actual representation, thus a drafting committee was formed on August 29, 1947. To create a permanent and structured constitution, Dr. BR Ambedkar was named Chairman of the Drafting Committee. Republican State, Parliamentary Supremacy, an independent Judicial System, Fundamental Rights, and a Federal System were the fundamental characteristics of the constitution on which the drafting committee focused. The drafting committee presented the first draught of the constitution on November 4, 1947, and the final draught on November 26, 1949. The handwritten Constitutional Draft, provided by the Drafting Committee, was signed on January 24, 1950, and became law on January 26, 1950. The Indian Constitution, which is regarded as the world's longest, consists of a Preamble, 25 Parts, 12 Schedules, 448 Articles, and 101 Amendments to date. It contained just 385 articles in 22 parts and 8 schedules when it was first written. The Indian Constitution was based on several constitutions from other countries, and it took 2 years, 11 months, and 18 days to complete the highest law of the land.

The Swaran Singh Committee, which was formed by Indira Gandhi shortly after the declaration of national emergency to examine and modify the constitution, recommended that the Fundamental Duties be added in 1976. Sardar Swaran Singh, India's longest-serving union cabinet minister, presided over this committee. The government adopted many modifications to the Constitution based on his proposals, including the Preamble, which outlined the basic obligations under the Indian Constitution, through the 42nd Amendment. However, under Article 51A, Part IV-A of the Indian Constitution, the initial ten obligations were raised to eleven by the 86th Amendment in 2002.

Cabinet Committees in India: Meaning, Functions and Types

Cabinet Committees are extra-constitutional. There are two types of cabinet committees- standing and ad-hoc. Standing cabinet committees are permanent whereas ad-hoc cabinet committees are temporary and deals with special issues. Recently the NDA government reconstituted 8 committees on different aspects. Read this article and know different types committees and their functions.

Cabinet committees are established to reduce the workload of the Cabinet Ministers. These committees facilitate deep examination of the policy issue and effective coordination. Such committees are based on the principal of division of labour. Recently NDA government added two new committees to generate employment and promote skill development in the country.

1. Appointments Committee of the Cabinet (ACC)
2. Cabinet Committee on Accommodation (CCA)
3. Cabinet Committee on Economic Affairs (CCEA)
4. Cabinet Committee on Parliamentary Affairs (CCPA)
5. Cabinet Committee on Political Affairs (CCPA)
6. Cabinet Committee on Security (CCS)

Two new committees are;

1. Cabinet committee on investment & growth
2. Cabinet Committee on Employment and skill development

Features of Cabinet Committees

1. The cabinet committees are an extra-constitutional body, which means they are not mentioned in the constitution.
2. The Prime Minister sets up different cabinet committees with selected members of the Cabinet and assigns specific functions to these committees. The Prime Minister may even change the numbers of committees and modify the functions assigned to them.
3. If the Prime Minister is a member of any such committee, he acts as the head of the committee.

4. The membership varies from three to eight. Usually, only cabinet ministers are the member of these committees. But, sometimes non- cabinet ministers may also be the member or may be special invitees to the committee.
5. They solve issues and formulate proposals for the consideration of the cabinet and take decisions on matters assigned to them. However, the cabinet is empowered to review such decisions.

The composition and functions of various cabinet committees are mentioned below:

1. Appointments Committee of the Cabinet

The committee is headed by the Prime Minister. The Minister of Home Affairs and Minister in-charge of the concerned Ministry are the members of this committee. The important functions of the committee are:

- (i) To take decision regarding all higher level appointments in the Cabinet Secretariat, public enterprises, banks and financial institutions.
- (ii) To decide all cases of disagreement relating to appointments between the Department or Ministry concerned and the Union Public Service Commission.
- (iii) To consider and decide representations, appeals and memorials from officers of the rank or pay equivalent to or higher than a Joint Secretary in the Central Government.

2. Cabinet Committee on Accommodation

The committee is composed of cabinet ministers from various ministries with one of them as the head. The important functions of the committee are:

- (i) To determine the guidelines or rules and terms and conditions to govern out-of-turn allotment of government accommodation and allotment of accommodation to the members of the parliament
- (ii) To decide upon the allotment of government accommodation to various categories of non-eligible persons and organizations and the rate of rent to be charged from them

- (iii) To consider proposals regarding shifting of the existing Central Government Offices to places outside Delhi and the location of new offices in Delhi.

3. Cabinet Committee on Economic Affairs

The Prime Minister is the head of this committee. Cabinet ministers of various ministries are its members. Its important functions are:

- (i) To direct and coordinate the governmental activities in the economic sphere.
- (ii) To review economic trends and evolve consistent and integrated policy framework in the country
- (iii) To review progress of activities related to rural development including those concerning small and marginal farmers
- (iv) To deal with industrial licensing cases involving proposals from the Ministries for the establishment of Joint Sector Undertakings
- (v) To consider issues relating to disinvestment

Other functions which have been allotted to the committee are:

- (i) To consider and decide on issues pertaining to the World Trade Organization.
- (ii) To consider issues relating to the Unique Identification Authority of India
- (iii) To monitor general prices, assess availability and export of essential and agricultural commodities and to take measures for efficient Public Distribution System

4. Cabinet Committee on Political Affairs

The committee is headed by the Prime Minister. Cabinet ministers of various ministries are its members. Its important functions are:

- (i) To deal with problems relating to Centre-State relations
- (ii) To consider economic and political issues which have to be judged with a wider perspective
- (iii) To deal with policy matters concerning foreign affairs which do not have external or internal security implications

5. Cabinet Committee on Parliamentary Affairs

This committee is composed of cabinet ministers from various ministers. The Union Home Minister is the head of the committee. The functions of the committee are:

- (i) To watch the progress of Government business in Parliament and to give directions necessary to secure smooth and efficient conduct of such business
- (ii) To scrutinize and to consider the attitude of the government on non-official bills and resolutions to be presented to Parliament
- (iii) To review legislations undertaken by State Legislatures from an all-India point of view
- (iv) To consider proposals to summon or discontinue the Houses of Parliament

6. Cabinet Committee on Security

The Prime Minister is the head of this committee. Cabinet ministers of Finance, Defense, Home Affairs and External Affairs are its members.

The important functions of the committee are:

- (i) To deal with all Defence related issues
- (ii) To deal with issues relating to law and order, and internal security
- (iii) To deal with policy matters concerning foreign affairs on security related issues
- (iv) To deal with economic and political issues impinging on national security
- (v) To review the manpower requirements relating to national security
- (vi) To consider all matters relating to atomic energy

7. Cabinet Committee on Infrastructure

The committee is headed by the Prime Minister with various cabinet ministers as its members. The functions of the committee are as follows:

- (i) To consider and take decisions in respect of all infrastructure related proposals costing more than rupees three hundred crores

- (ii) To consider and decide measures to facilitate private sector investment in specific projects
- (iii) To lay down annual parameters and targets for performance and review the progress of infrastructural projects
- (iv) To consider cases of increase in the firmed up cost estimates/revised cost estimates due to various reasons

Prime ministers office

The Prime minister's office can be considered as an agency that helps the prime minister efficiently perform his role, responsibilities, and functions. Going back to the time, the first post of prime minister was created just after the independence of India in 1947. A person who is the prime minister of India can also be considered as the head executive of the government. Where the prime minister's office (PMO) can be considered as an extra-constitutional body that means there is no mention of PMO in constitution of India. For the first time in India, the PMO was considered as part of the Indian government in 1961 by the allocation of business rules in India. The PMO is headed by the secretary of the prime minister of India and the secretary has had this responsibility since 1977. Now we also have the secretary of the prime minister as the principal secretary of the prime minister.

What is PMO?

The prime minister's office (PMO) can be considered as an agency that consists of the staff of the prime minister of India. With the immediate staff, various support staff are available in multiple levels for reporting to the prime minister. This office is headed by the principal secretary of the prime minister of India. The main responsibility of the PMO is to provide secretarial assistance to the prime minister.

Structure of PMO

The structure of the PMO can easily understand using the below points:

- The PMO is headed by the prime minister in the political sense.
- The PMO is headed by the principal secretary of the prime minister in an administrative sense.
- There can be one or two additional secretaries of the prime ministers who are part of the PMO.

- There are 5 joint secretaries of the prime minister who are part of the PMO.
- There can be a number of directors, secretaries and junior secretaries who are part of the PMO.

We can also think of PMO as the link between a prime minister and the other ministers in the government.

Functions of the PMO

It is obvious that if the PMO is a part of the government then it needs to have some function. There are various functions of the PMO and some of the important ones are listed below

- Since the prime minister is the chief executive in the government he needs to work in a proper way and direction. The task of the PMO is that it helps the PM in order to discharge his responsibility as the prime minister or chief executive.
- The PMO takes care of and deals with all the references that come under the guidelines and rules of business that comes to the PM.
- The prime minister of India is also the chairman of the planning commission and PMO helps the PM to fulfil all his responsibilities as the chairman of the planning commission.
- PMO also provides assistance to the PM in examining and optimising new cases that are submitted to him.
- The PMO is also responsible for dealing with the public relations of the PMO.

Status of PMO

The status of any office can be defined by the relation between the superior and the junior of the office similarly the relation between PM and principal secretary can define the status of PMO. Using the following points we can define the status of the PMO.

- The level of trust that the prime minister has on the principal secretary determines the status of PMO.
- The weakness of the principal secretary makes the prime minister ask the cabinet for decisions that make the PMO weak.

- In a situation where the government is a coalition PMO can be weak in comparison to the PMO when the government is formed by a majority party.
- Personality of the staff of the PMO plays an important role in determining the status of the PMO. the staff should be capable of making decisions that are acceptable to the cabinet to apply to citizens of the country.

Conclusion

PMO is an agency for the government that helps the prime minister of India to fulfil all his responsibility regarding running the governance of India. There are various staff works in the PMO including immediate staff and support staff and PMO headed by the principal secretary of India in the administrative sense and his personality defines the status of PMO

Central Secretariat

- The role of the Central Secretariat is quite a prestigious one in the Indian administrative system. Find out more about the central secretariat in this article.
- Occupying a key position in Indian administration, the Central Secretariat refers to the collection of departments or ministries in the Indian Central Government. Before disposing of a case, each secretarial department must consult other departments concerning the issue. It is not any particular minister. Various secretaries of the government are involved as administrative heads.
- It forms the backbone of all administrative work, providing for functionary staff and permanent bureaucracy in multiple offices of the Government of India, including union government ministries and cabinet secretariat besides Central Secretariat. Created under the power of Article 309 from the Constitution Of India, these administrative groups are governed by the Central Secretariat rules of 1962.

Role of a Central Secretariat

- The job of a minister is to make policies based on available data. It is the job of a secretariat to help ministers access certain data and enable them in formulating governmental policies.

- Certain drafts are introduced in a legislature made by the secretariat. It contains information used to ask as well as answer parliamentary questions in the parliamentary house and parliamentary committees.
- A central secretariat is an integral communication channel between the government and its agencies.
- Ministers can consult a secretariat to form a comprehensive viewpoint. They do this by inquiring with other departments such as the Ministry of Finance if a financial concern arises.
- They ensure that the decisions and policies of the government are being efficiently carried out in the offices.

Functions of Central Secretariat

- The Central Secretariat service system focuses on two principles
- The distinction between policy formulation and policy implementation
- The central secretariat is not to undertake the execution of policies unless made compulsory due to the lack of official agencies performing assigned tasks. They assist ministers in the discharge of their parliamentary and policy making functions. A secretariat can also frame rules, principles of procedure, and legislation
- Contributions to program formulation and secretarial planning
- Budgetary control of expenditure as per ministry department activities
- Helping in the coordination of various departments and ministers at the central level

The secretariat and executive agencies

- There are six patterns of relationship developed between the central secretariat and executive agencies:

- A complete merger between the heads of the executive department and ministry. Operational or commercial organisation undertakings are held with this pattern. For example, the posts and telegraphs board and the ministry of communication
- A particular senior officer acts as the head of the executing department for adding much responsibility to the formulation of policies and their implementation
- Merging of the executive department and the ministry's office, with a common office serving both officers of the executive office and secretariat
- The executive department and ministry have a separate office, but a common file Bureau located in the executive agency organisation. For example, the Air Force headquarters and the ministry of defence
- There are separate departments, but the head of the executive office has an ex officio secretariat status. This is done to save time and paperwork
- Executive agencies and ministries have distinct offices but establish a line of communication through self-contained letters or in any other form

Central Secretariat recruitment

- Previously, India used to follow three methods of central secretariat recruitment.
- 50% of the department members were recruited directly through civil services examinations conducted by UPSC (Union Public Service Commission)
- 25% were recruited through annual department examinations
- The remaining 25% were promoted from other positions

- The above modes of recruitment were stopped in 2003. Currently, 50% are employed through Limited Departmental Competitive Examination held by UPSC, and the remaining 50% by seniority

Nationality: Citizen of India

- Educational qualification: Must hold a degree in any stream, from any University which has been incorporated by the State Legislature or an Act of the Central Legislature. They can also hold a degree from other educational institutions or be declared universities under Section 3 of the University Grants Commission Act
- Students from foreign universities can also apply, provided that it has been approved by the central government and recognized for the same purpose. Some Foreign Degrees from universities might not be approved and can be utilised only at the discretion of the Commission.

Reasons for penalty

- A candidate is subjected to penalty for misconduct and considered guilty by the Commission under the following circumstances;
- Utilization of unfair means in the examination hall
- Submission of tampered or fabricated documents
- Procuring impersonation by a person or impersonating
- Obtaining unfair support for his candidature
- Suppression of material information or making false statements
- Misbehaving against an examinee or fellow candidate under criminal grounds in examination halls

Conclusion

The role of a secretariat is not simply policymaking but also implementing a provided list of cases and acting as a channel of communication between various ministries and departments. The roles have differed since before the complete establishment of the British government. As per the Lewellyn-Smith Committee, Montague Chelmsford Reforms had established the service as one of its off-shoots. However, there were no reforms introduced since the last change in 2003 regarding the central secretariat recruitment.

Executive Agencies

Administrative agencies are created to develop, enforce, and oversee the voluminous rules and regulations currently in force in the United States. There are two principal ways that administrative agencies can be created: executive agencies and **legislative agencies**. Executive agencies are created by the president, while legislative agencies are established by an act of Congress. One of the main differences between an executive agency and a legislative agency is that the president may remove the head of an executive agency at any time with or without cause. To remove the head of a legislative agency, the president must show cause.

The United States Constitution does not provide specific and direct authority for the establishment of executive agencies or the appointment of Cabinet members. However, Article II, section 2, the Constitution states that the president may “require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices.” As the government grew larger, executive agencies developed as a way to help the president discharge his duties and attend to his affairs. Today, these offices engage in the day-to-day administration and enforcement of executive orders and statutes. In total, the executive agencies employ over four million people and supervise an operating budget exceeding \$2.3 trillion.

Executive agencies are subject to the Administrative Procedures Act (“APA”), which governs the process by which administrative agencies create and enact laws. Executive agencies have the power to enact laws within the scope of their authority, conduct investigations, and enforce the laws that they promulgate accordingly. Many of the existing executive agencies are some of the oldest bureaucratic components in the nation. Established in 1789, the State

Department is the oldest executive agency in the United States. A few examples of well-known executive agencies include:

- Department of Defense
- Department of Homeland Security
- Department of Education
- Department of Justice
- Department of Commerce
- Department of State
- Department of Labor

The president has the power to appoint the heads of each department. Each head is officially referred to as the Secretary of his or her department, such as the Secretary of State, Secretary of Defense, or Secretary of Labor. The secretaries comprise the members of the president's Cabinet and provide daily reports and guidance to the president on both national and international affairs. The State Department is the highest-ranking executive agency, and it oversees international diplomacy and updates the president on issues affecting international relations. The Department Secretaries play critical roles in helping the president develop national policy, respond to foreign situations, and enforce the president's executive power. Many people refer to the Cabinet members as the president's administrative arms or organs.

According to statute, the Cabinet members are part of the line of succession to the presidency in the event that the president passes away, is impeached, or steps down from office. After the vice president, Speaker of the House, and the president pro tempore of the Senate, the Secretary of State, Secretary of Treasury, and Secretary of Defense are in line to assume the presidency.

Finance Ministry

Here is an essay on the 'Finance Ministry in India' for class 9, 10, 11 and 12. Find paragraphs, long and short essays on the 'Finance Ministry in India' especially written for school and college students.

Origin of Finance Ministry:

- The origin of the Finance Ministry in India goes back to the year 1810 when a separate Finance Department was created out of the Public Department.
- But a separate Secretary for the Finance Department was appointed only in 1843. From 1810 to 1816 it remained under the charge of the Secretary of Public Department, from 1816 to 1830 under the Secretary of the Territorial Department, and from 1830 to 1843 under the Secretary of the General Department.
- In 1879 the Finance Department was re-designated as the Department of Finance and Commerce which designation continued up to 1905 when it was renamed as the Department of Finance.
- With the constitutional changes brought about by the Government of India Act, 1919, the Finance Department was organised into seven Branches, viz., General Finance, Revenue, Currency and Banking, Salaries and Allowances, Civil Accounts, Army Finance and Military Accounts.
- The Auditor-General was assigned a statutory status. Though the Finance Department was given a measure of control over the Indian finances, yet the Secretary of State for India had full power to exercise control over the entire revenue and expenditure of the Government of India. He was assisted at the India Office by a full-fledged Finance Department.
- The Haldane Committee (1918) has very well explained the pivotal position of the finance ministry vis-à-vis other state departments in the words, “The Department of Finance must necessarily have an exceptional position among all the State Departments. The service which it has to perform- that of supervising and controlling all operations of Government in so far as they affect the financial position... involves not only the direct administration of taxation and other branches of revenue but also the control of all forms of expenditure.”

- The Government of India Act, 1935, did not relax the control of the Secretary of State over Indian financial matters. The Act also increased the powers of the provincial governments. The powers of the Finance Department were greatly restricted.
- On the attainment of Independence, the office of the Secretary of State for India was abolished. In 1947 the Department of Finance was now designated as the Ministry of Finance. It was organised into three wings, viz., Expenditure, Economic Affairs and Revenue. In 1949 it was organised into two Departments of Revenue and Expenditure and of Economic Affairs.

In 1955 it was reorganized into four Departments:

- (i) Department of Economic Affairs.
- (ii) Department of Revenue;
- (iii) Department of Expenditure;
- (iv) Department of Company Law Administration.

In September, 1963, a new Department of Co-ordination was added to the Finance Ministry. In November, 1964, the Department of Company Affairs and Insurance was set up which took over the work relating to 'Company Law Administration'. In January, 1966, the Department of Company Affairs and Insurance was abolished.

In June, 1967, the Department of Co-ordination was abolished. Now there remained only three Departments under the Ministry of Finance, viz., the Department of Revenue and Insurance, Department of Expenditure and the Department of Economic Affairs. In August, 1969, a Department of Banking was added in the Ministry of Finance.

Organization of the Ministry of Finance:

The Ministry of Finance is under the charge of a Minister of Cabinet rank. He is assisted by two Ministers of State.

The Ministry of Finance at present is organised into the following three departments:

1. Department of Revenue:

- This Department is responsible for all matters relating to Central Board of Revenue, Cus-toms, Income Tax, Central Excise, Sales Tax, Insurance, Opium, and Stamp Duties on bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts, and Foreign Exchange.
- It also advises the Government on fiscal matters, reviews tax structure, examines fresh proposals of taxation, pro-motes legislation for the modification of tax laws and administers Gold Control regulations.
- Through the tax laws and their administration the Department of Revenue strives to attain three objectives to build an atmosphere of mutual trust between the tax collector and the tax payer and to give incentives by suitable legislation in furtherance of socio-economic policies of the Government.
- In respect of revenue matters, the Department is assisted by two statutory Boards viz., the Central Board of Direct Taxes, and the Central Board of Excise and Customs. The chair-man of the Board holds ex-officio status of Additional Secretary and other members of ex- officio Joint Secretaries to the Government of India.
- The Department has under it seven attached offices and a large number of subordinate offices.
- The attached offices are: Department of Insurance, Shimla; Enforcement Directorate, New Delhi; Directorate of Inspection, New Delhi; Directorate of Inspection (Income Tax), New Delhi; Directorate of Inspection (Income Tax), Investigation Wing, New Delhi; Directorate of Inspection (Customs and Central Excise), New Delhi; Directorate of Intelligence, New Delhi.

- The subordinate offices are: Offices of Collectors of Customs, Bombay, Calcutta, Madras, Visakhapatnam and Kandla; Offices of the Collectors of Central Excise, Bombay, Calcutta, Madras, Bangalore, New Delhi, Shillong, Hyderabad, Allahabad, Baroda, Patna, Poona, Nagpur, Cochin, Kanpur, Panjim and Pondicherry; Statistics and Intelligence Branch; Central Revenues Control Laboratory; Office of the Narcotics Commissioner.
- The Department looks after all the affairs relating to Insurance and for this purpose the Life Insurance Corporation has been set up.

2. Department of Expenditure:

- This Department is responsible for financial rules and regulations, delegation of financial powers, financial sanctions relating to all Ministries and offices of the Government of India, advice to Ministries and government undertakings on Cost Account matters, expenditure pro-posals relating to the Delhi Administration, Indian Audit and Accounts Department, Defence Accounts Department, Local Taxation, State Finance, Capital Budget, Planning and Development Finance.

The Department consists of following Divisions:

(a) Establishment Division.

(b) Civil Expenditure Division.

Defense Division.

(c) Staff Inspection Unit

Cost Accounts Wing.

(f) Plan Finance Division.

Establishment Division:

Establishment Division is responsible mainly for the administration of the various financial rules and regulations including those relating to the conditions of service of the Central government employees, administrative matters relating to the Indian Audit and Accounts Department, financial work relating to the Department of the Ministry of Finance and administration of the Department of Expenditure.

The Head of this Division is also in-charge of the Staff-Inspection Unit.

(a) Civil Expenditure Division:

There are ten Divisions each headed by an Additional Secretary or a Joint Secretary.

In addition to rendering financial advice to the Ministries/Departments of the Government of India, officers of these Divisions also function as financial representatives of Government on Board of Directors of various public sector undertakings and on the governing bodies of autonomous organizations which receive substantial financial assistance from Government.

Defense Division:

The Division is constituted with the Financial Adviser at the head assisted by four Additional Financial Advisers and a number of Deputy Financial Advisers attached to the various Principal Staff Officers of the Army, the Chief of Naval Staff, the Chief of the Air Staff and the Director General of Ordnance Factories.

This Division renders financial advice to the Defence Headquarters, the Defence Ministry and to the officers directly subordinate to the Ministry.

The Financial Adviser (Defence) is also a Member of the Board of the Border Roads Development. The Division is responsible for scrutiny, sanction and accounting of the expenditure of the Defence Ministry. The Financial Adviser is also responsible for the internal audit, correct accounting and compilation of

the Defence receipts and expenditure through the Controller General of Defence Accounts.

Staff Inspection Unit:

The function of the Staff Inspection Unit is to keep the staffing position in Ministries/Offices under the Government of India under constant review in accordance with pre-determined programmes of work measurement studies.

The Unit also undertakes ad hoc reviews, by special request, of Ministries/Offices not included in the programme as well as of the public sector undertakings. The other aspects of work study, such as procedures and methods simplification, etc., are the responsibility of the Department of Administrative Reforms under the Ministry of Home Affairs.

Cost Accounts Wing:

It deals with all cost accounting work arising in the various departments. It also undertakes, on request, cost and economic studies and investigations into accounts of both private and public sector undertakings.

(f) Plan Finance Division:

It deals with State plans for economic development. It advises on proposals of states for investment in industrial enterprises, irrigation, power and flood control projects. It is also associated with the scrutiny of proposals of Central Ministries for large projects involving heavy capital outlays.

3. Department of Economic Affairs:

The Department of Economic Affairs of the Ministry of Finance, headed by a Secretary, is one of the most important Departments of the Ministry. It monitors the economic trends in the country and advises the Government on all matters pertaining to internal and external economic management including the working of commercial banks, investment regulations, external assistance to term-lending institutions.

It prepares the Government's Budget, makes periodic assessments of foreign exchange needs and resources and takes necessary steps to mobilize and

allocate resources, both internal and external, in keeping with the country's Plans and development needs. The Department is also responsible for policies regarding currency, banking, financial corporations and foreign exchange, including private foreign investments.

Control over capital issues is also under the administrative charge of the Department. Recently, the work relating to the administration of Securities Contracts (Regulation) Act, 1956, and regulation of stock exchanges has been transferred to this Department.

The Department of Economic Affairs has the following Divisions:

- Budget Division.
- External Finance and Foreign Aid Division.
- Internal Finance Division.
- Economic Division.
- Administration Division.

Budget Division:

This is one of the most important Divisions in whole of the Ministry of Finance. It prepares the Central Government's Annual Budget (other than that for Railways) and Supplementary and Excess Grants for presentation to Parliament. It deals with questions of Public Debt-market loans, small savings schemes, the Compulsory Deposit Scheme and other investments in Government securities.

It also looks after the way and means position of the Central and State Governments and their market borrowings and administers the Contingency Fund of India and deals with the implementation of the recommendations of the Finance Commission and matters of audit and accounting.

The fixation of rates of interest on loans given by the Central Government, the administration of the Central Treasury Rules and the submission of reports of the Comptroller and Auditor-General to Parliament are also handled by the Division. The Division is in overall charge of the National Savings Organisation.

External Finance and Foreign Aid Division:

This Division is concerned with all matters relating to foreign exchange including exchange control, foreign investments and economic, financial and technical assistance received by India or rendered by her to foreign countries. All proposals in regard to trade and payments agreements with foreign countries as well as broader questions of policy in regard to foreign trade are examined in this Division.

Internal Finance Division:

This Division deals with all matters connected with currency and coinage, banking, industrial finance and control of capital issues. It is also responsible for the administration of Mints, Assay Offices, the Silver Refinery Project, the India Security Press, the Security Paper Mill Project, and the Kolar Gold Mining Undertakings.

Economic Division:

The Economic Division advises the Department on questions of economic policy. Its important functions include analysis of events of economic importance and research and study on economic problems. The Economic Survey, the Economic Classification of the Central Budget and the Pocket Book of Economic Information are prepared annually.

The Division also prepares briefs on economic matters for consultation with the International Bank for Reconstruction and Development and the International Monetary Fund and for the Indian Delegations to the United Nations General Assembly, the Economic and Social Council Economic Commission for Asia and Far East, Colombo Plan and other International Conferences.

The work of the Division is organized under five units:

- (i) Internal Economics.
 - (ii) International Economics.
 - (iii) Public Finance and Planning.
 - (iv) Tax Research.
 - (v) Briefing.
- (i) Internal Economics Unit keeps under constant review developments in the money, capital and commodity markets. Trends in agricultural and industrial production, stocks, prices, controls, money supply, bank advances, etc. are reviewed periodically.
 - (ii) International Economics Unit reviews trends in balance of trade, foreign aid, foreign exchange resources and economic developments in other countries.
 - (iii) Public Finance and Planning Unit looks after the analysis and consolidation of Central and State Budgets, the reclassification of transactions of Government and their departmental and non-departmental undertakings, review of budgetary trends and assessment of resources for the Plan.
 - (iv) Tax Research Unit works in close collaboration with the Central Board of direct Taxes the Central Board of Excise and Customs, the Finance Department of State Governments, the Planning Commission, the Central Statistical Organisation and other Divisions of the Department.

- (v) Briefing Unit prepares briefs and submits material on financial and economic questions relating to India's participation in the United Nations and Allied Organizations.

Administration Division:

- This Division looks after the administrative matters of the Department. The work relating to the Administration of grants for the Indian Institute of public Administration, the National Council for Applied Economic Research and the Indian Economic Association is also looked after by this Division.
- In the field the work relating to expenditure is carried by a regular hierarchy of administrative officer called drawing disbursing officer and controlling officers. Each of them invested with competence to sanction expenditure up to a prescribe limit specified by financial rules.
- In 1985 a new agency the Economics Bureau was established under charge of a direct general who is of the rank of additional secretary to the Government of India. The Bureau coordinates and strengthens the activities of intelligence, investigation and enforcement agencies' dealing with economic offences and the enforcement of economic laws.

Ministry of Home Affairs

POWERS AND DUTIES OF MHA'S OFFICERS AND EMPLOYEES:

- I. The Department of Official Language has a separate Secretary.
- II. The Department of Border Management has a Secretary.
- III. The Department of Internal Security, Department of States, Department of Home, Department of Jammu & Kashmir Affairs and Department of Border Management, however, do not function in water-tight compartments. They all are inter-linked and function under the overall charge of the Home Secretary, who is assisted by the officers of the level of Special Secretary, Additional Secretary, Joint Secretary etc. The work of these Departments is distributed among different divisions, each headed by a Joint Secretary. The

names of these divisions, indicating their major areas of responsibility, are given below:-

Administration Division

This Division is responsible for handling all administrative matters of the Ministry of Home Affairs and also deals with matters relating to Table of Precedence, Padma Awards, National Flag, National Anthem, State Emblem of India and Secretariat Security Organisation.

Border Management Division

This Division set up recently, deals with all matters relating to management of borders and coastal security etc.

Centre-State Division

This Division deals with Central-State relations, including working of the Constitutional provisions governing such relations, appointment of Governors, creation of new States, nominations to Rajya Sabha/Lok Sabha, Inter-State boundary disputes, over-seeing the crime situation in States, etc.

Coordination Division

This Division mainly deals with the matters relating to intra-Ministry coordination, Parliament matters and public grievances.

Disaster Management Division

These newly created Divisions are responsible for coordination of relief measures in the event of natural calamities and man-made disasters (except draught and epidemics).

Foreigners Division

This Division deals with all matters relating to Foreigners Act and Passport (Entry into India) Act, Registration of Foreigners Act, the Citizenship Act and the Foreign Contribution (Regulation) Act. It also controls Bureau of Immigration.

Freedom Fighters & Rehabilitation Division

This Division frames and implements the Freedom Fighters Pension Scheme and the scheme for rehabilitation of migrants from former West Pakistan/East Pakistan and provision of relief to Sri Lankan and Tibetan refugees.

Human Rights Division

This Division deals with matters relating to the Protection of Human Rights Act and also matters relating to national integration, communal harmony and Ayodhya matters.

Ministry of personnel in India

Definition of Department of Personnel and Training (DoPT)

- The Department of Personnel and Training (DoPT) is the Government of India's nodal agency for the formulation and implementation of personnel policies, as well as the selection, placement, and production of human resources engaged in public service.
- To meet the evolving needs in the public sector, it is increasingly felt that a change from mere Personnel Administration to Human Resource Management is needed.
- DOP&T, through this approach, has recognised the difference between what we are doing and what we plan to do under the sub-titles where we are now and where we want to be.

Functions of the DoPT

1. Civil Services Examination is conducted to recruit for All India and Central Services.
2. Assignment of successful applicants to different services/cadres; officers under the Central Staffing Scheme
3. Indian Administrative Service (IAS) Cadre Management and three Secretariat Services (CSS, CSSS, CSCS).
4. Administrative diligence - to supervise and provide appropriate guidance to the Government's policy of maintaining order and eradicating corruption from public services.
5. Policy formulation and execution in relation to RTI.
6. Development and implementation of the Government of India's reservation policy in services.

7. Employees of the Central Government's Welfare.
8. Tribunals of Administrative Law.
9. Increasing the quality of public services while also improving employee well-being by Joint Consultative Machinery.
10. Capacity Development/Training.
11. Developing personnel policies for different service matters affecting Central Government employees.

Vision and mission of the DoPT

- To foster an enabling atmosphere for the creation and management of the government's human capital in order to achieve reliable, effective, accountable, sensitive, and open governance.
- To recruit the most qualified, cultivate them to deliver the best, and provide more opportunities for excellent career development with the goals of retaining and maintaining the spirit of excellence of public service for successful and efficient delivery.
- To provide a dynamic system of personnel policies and procedures for the effective operation of the government.
- Improve government expertise and creativity by the ability of human capital at all levels of government for the effective provision of public services.
- To instill and support a culture of openness, accountability, and zero tolerance for corruption in public relations, as well as to institutionalize a framework of proactive ongoing interaction with stakeholders in order to achieve the desired outcome of propelling India to new heights.

Ministry of External Affairs

1. Structure of the Indian Foreign Service (A)

A Foreign Service Officer begins his career abroad as a Third Secretary and is promoted to Second Secretary as soon as he is confirmed in service. Subsequent promotions are to the levels of First Secretary, Counsellor, Minister and Ambassador/High Commissioner / Permanent Representative. Officers can also be posted to Indian Consulates abroad where the hierarchy (going upwards) is Vice-Consul, Consul and Consul General.

**The hierarchy at the Ministry of External Affairs includes 6 stages:
Under Secretary**

1. Deputy Secretary

2. Director

3. Joint Secretary

4. Additional Secretary

5. Secretary

Functions

As a career diplomat, the Foreign Service Officer is required to project India's interests, both at home and abroad on a wide variety of issues. These include bilateral political and economic cooperation, trade and investment promotion, cultural interaction, press and media liaison as well as a whole host of multilateral issues.

The functions of an Indian diplomat may be summarized as:

1. Representing India in its Embassies, High Commissions, Consulates, and Permanent Missions to multilateral organisations like UN

2. Protecting India's national interests in the country of his/her posting;
3. Promoting friendly relations with the receiving state as also its people, including NRI / PIOs;
4. Reporting accurately on developments in the country of posting which are likely to influence the formulation of India 's policies;
5. Negotiating agreements on various issues with the authorities of the receiving state.
6. Extending consular facilities to foreigners and Indian nationals abroad.

At home, Ministry of External Affairs is responsible for all aspects of external relations. Territorial divisions deal with bilateral political and economic work while functional divisions look after policy planning, multilateral organizations, regional groupings, legal matters, disarmament, protocol, consular, Indian Diaspora, press and publicity, administration and other aspects.

Allocation of business to the Ministry of External Affairs

The following elements of work have been allocated to the Ministry of External Affairs under the Transaction of Official Business Rules of the Government of India, as amended from time to time:

- 1.Externalaffairs.
- 2.Relations with foreign States and Commonwealth Countries.
3. Indian Council for Cultural Relations
4. All matters affecting foreign diplomatic and consular officers, U.N. officers and its specialized agencies in India.
- 5.Passportsandvisas.

6. Extradition of criminals and accused persons from India to foreign and Commonwealth countries and vice versa and general administration of the Extradition Act, 1962 (34 of 1962) and extra-territoriality.
7. Preventive detention in India for reasons of State connected with External and Commonwealth affairs.
8. Repatriation of the nationals of foreign and Commonwealth States from India and deport- action and repatriation of Indian nationals of foreign and Commonwealth countries to India
9. Immigration to India from the Republic of South Africa or any other country to which the Reciprocity Act, 1943 (9 of 1943) may apply.
10. All Consular functions.
11. Travel arrangements for traders and pilgrims from India to Tibet region of China.
12. Scholarship to foreign students excluding scholarship to Non-Resident Indians (NRIs)/ Persons of Indian Origin (PIO) students for study in India under different schemes.
13. Political pensions paid to foreign refugees and descendants of those who rendered services abroad.
14. Ceremonial matters relating to foreign and Commonwealth Visitors and Diplomatic and Consular Representatives.
15. Matters in respect of Pondicherry, Goa, Daman and Diu, involving relations with France and Portugal.
16. Relations with States in special Treaty relations with India such as Bhutan.
17. Himalayan expeditions; permission to foreigners to travel to Protected Areas other than those with which the Ministry of Home Affairs is

concerned.

18. United Nations Specialised Agencies and other International Organisations and Conferences.

19. Indian Foreign Service.

20. Indian Foreign Service Branch 'B'.

21. Foreign Service Training Institute.

22. External Publicity excluding such publicity concerning overseas Indians' affairs.

23. Political treaties, agreements and conventions with foreign and Commonwealth countries.

24. (i) Pilgrimages to places outside India, including the administration of the Haj Committee Act, 1959 (51 of 1959) and the rules made there under and the Indian Pilgrim Ship Rules, 1933, and Pilgrim parties from India to Shrines in Pakistan and vice versa.

(ii) Protection and preservation of Non-Muslim shrines in Pakistan and Muslim shrines in India in terms of Pant-Mirza Agreement of 1955.

25. Abducted Persons (Recovery and Restoration).

26. Questions relating to minority communities in neighboring Countries.

27. Recovery of advances granted to the evacuees from Burma, Malaya, etc., during the years 1942-47 and residual work relating to refugees given asylum in India during World War II.

28. Notification regarding commencement or cessation of a state of war.

29. Foreign Jurisdiction.

30.Hospitality Grant of the Government of India.

31.Demarcation of the land frontiers of India.

32.Border raids and incidents on the land borders of India.

33. Diplomatic flight clearances for non-scheduled chartered flights of foreign, civil and military aircraft transiting India.

34. Matters relating to Law of the Sea, including the Indian Territorial Waters, Contiguous Zone, Continental Shelf and Exclusive Economic Zones (EEZ), questions of international law arising on the high seas including fishery rights; piracies and crimes committed on the High Seas or in the air; offences against the Law of Sovereign States committed on land or the High seas or in the air; legal matters concerning the International Seabed Area and Authority

35. Economic and technical assistance given by India to the Government of Nepal under the Colombo Plan for Co-operative Economic Development.

36 .Purchase, inspection and shipment of Stores from abroad for the Central Government other than those the purchase, inspection and shipment of which are delegated to other authorities by a general or special order.

37. All matters relating to grant of loans and credits to Nepal, Bhutan and Bangladesh.

38. Technical assistance given by India to African countries under the Special Common wealth African Assistance Plan Programme.

39.HumanRights:

(i)Interaction with Human Rights Organisations abroad;

(ii)International declarations, treaties, conventions and conferences;

references received from the United Nations and other specialised agencies and organisations thereof;

(iii) Implementation of reporting obligations, in coordination with the concerned Ministries, required under the United Nations and international conventions, to which India is a State party

40. Indian Council of World Affairs.

Attorney General of India

- Article 76 of the constitution mentions that he/she is the highest law officer of India. As a chief legal advisor to the government of India, he advises the union government on all legal matters.
- He also is the primary lawyer representing Union Government in the Supreme Court of India. The Attorney General, like an Advocate General of a State, is not supposed to be a political appointee, in spirit, but this is not the case in practice.

Appoints of Attorney General of India

President of India appoints a person who is qualified for the post of Supreme Court Judge. Attorney General is appointed by the President on the advice of the government. There are the following qualifications:

- He should be an Indian Citizen
- He must have either completed 5 years in High Court of any Indian state as a judge or 10 years in High Court as an advocate
- He may be an eminent jurist too, in the eye of the President

Term of Attorney General's office

There is no fixed term for the Attorney General of India. The Constitution mentions no specified tenure of Attorney General. Similarly, the Constitution also does not mention the procedure and ground of his removal.

You may know the following facts about his office:

- He can be removed by the President at any time
- He can quit by submitting his resignation only to the President

- Since he is appointed by the President on the advice of the Council of Ministers, conventionally he is removed when the council is dissolved or replaced

The role of Attorney General of India

Being the Chief Law Officer of the country, the Attorney General of India has to perform the following duties:

- Whichever legal matters are referred to him by the President, he advises the Union government upon the same.
- President keeps on referring him legal matters that suits his interest and Attorney General has to advise on those too
- Apart from what President refers, he also performs the duties mentioned in the Constitution
- The three duties that are assigned to him by the President are:
 - In any legal case where the government of India is related to, the Attorney General has to appear in the Supreme Court on its behalf
 - He has to represent the Union Government in any reference made by the president to the Supreme Court under Article 143 of the Constitution
 - He also appears in the High Court if any case is related to the Government of India

The limitations on the Attorney General

To avoid conflict of duty, there are a few limitations that are posted on the Attorney General which he should keep in mind while performing his duties:

- He should not advise or hold a brief against the Government of India
- He should not advise or hold a brief in cases in which he is called upon to advise or appear for the Government of India
- He should not defend accused persons in criminal prosecutions without the permission of the Government of India
- He should not accept appointment as a director in any company or corporation without the permission of the Government of India

Comptroller and Auditor-General of India

Chapter V under Part V of the Indian Constitution deals with the Comptroller and Auditor-General of India (CAG). CAG is responsible for auditing the accounts of the Union and State governments and public sector organizations, and for maintaining the accounts of State governments. The reports of the CAG are taken into consideration by the Public Accounts Committees. CAG enjoys the same status as a judge of Supreme Court of India.

Article 148: Comptroller and Auditor-General of India

(1) There shall be a Comptroller and Auditor-General of India who shall be appointed by the President by warrant under his hand and seal and shall only be removed from office in like manner and on the like grounds as a Judge of the Supreme Court.

(2) Every person appointed to be the Comptroller and Auditor-General of India shall, before he enters upon his office, make and subscribe before the President, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule.

(3) The salary and other conditions of service of the Comptroller and Auditor-General shall be such as may be determined by Parliament by law and, until they are so determined, shall be as specified in the Second Schedule:

Provided that neither the salary of a Comptroller and Auditor-General nor his rights in respect of leave of absence, pension or age of retirement shall be varied to his disadvantage after his appointment.

(4) The Comptroller and Auditor-General shall not be eligible for further office either under the Government of India or under the Government of any State after he has ceased to hold his office.

(5) Subject to the provisions of this Constitution and of any law made by Parliament, the conditions of service of persons serving in the Indian Audit and Accounts Department and the administrative powers of the Comptroller and Auditor-General shall be such as may be prescribed by rules made by the President after consultation with the Comptroller and Auditor-General.

(6) The administrative expenses of the office of the Comptroller and Auditor-General, including all salaries, allowances and pensions payable to or in respect of persons serving in that office, shall be charged upon the Consolidated Fund of India.

Article 149: Duties and powers of the Comptroller and Auditor-General

The Comptroller and Auditor-General shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States and of any other authority or body as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States as were conferred on or exercisable by the Auditor-General of India immediately before the commencement of this Constitution in relation to the accounts of the Dominion of India and of the Provinces respectively.

Article 150: Form of accounts of the Union and of the States

The accounts of the Union and of the States shall be kept in such form as the President may, on the advice of the Comptroller and Auditor-General of India, prescribe.

Article 151: Audit reports

(1) The reports of the Comptroller and Auditor-General of India relating to the accounts of the Union shall be submitted to the President, who shall cause them to be laid before each House of Parliament.

(2) The reports of the Comptroller and Auditor-General of India relating to the accounts of a State shall be submitted to the Governor of the State, who shall cause them to be laid before the Legislature of the State.

UNIT III

Role of bureaucracy in India

The civil service system, or bureaucracy, originated during the British colonial era in India. Through the Government of India Act, 1858, the British gained complete control of India's Government. This was the start of the British Empire's authority over India through a committee of authorized specialists. Within less than a century, the British had developed a proficient administration composed chiefly of Indians who pledged loyalty to the British Government.

Bureaucracy

The term bureaucracy derives from the following:

- Bureau (French): which means small desks.
- Kratein (Greek): which means to rule.

Thus, bureaucracy fundamentally refers to office-based governance. Max Weber, a German sociologist, was one of the first individuals in contemporary times to critically consider bureaucracy (1864-1920). He characterized the notion as a method for organizing a complicated firm rationally.

Characteristics of bureaucracy

There are 6 main characteristics of bureaucracy. They are:

Specialization & division of labor

In bureaucracy each person has their own job. In that particular part they are masters and experts. Here different people are assigned for various works. One single component of work is broken down & given to different people to perform or do their part. Together they combine their works. This is done so that the work can be done properly and one person will not have all the burden on him. This also does more work in less time.

Hierarchical authority structures

Bureaucracy has a chain of work. Each person has given their own work in the chain and each one's work will be observed by their senior one. In a hierarchy, the power flows from the top and approaches the bottom. This is organized properly because work can be done in a better way and communication will be easier.

Rules and regulations

The standard procedures are clear, formal and written in the instruments at each level of the hierarchy. The workers will communicate among themselves to go with a flow and see who is lagging behind. Without these rules, nothing can perform systematically. Due to these rules and regulations, things can be made over-controlled.

The idea of technical competence

The bureaucracy has many offices but it takes specific works on the basis of their rules. The bureaucracy is impersonal. People working there don't know each other properly. You have to hire someone who has adequate qualifications. Once you are hired, your activity will be monitored. And this idea is technical competence.

Impersonality and personal indifference

It doesn't matter who you know, what you know, who you are, you are always different, unique. This is the reason a uniform way is followed by everyone. Bureaucracy does not discriminate. No special treatment is given to anyone. You have to do it in the same way as others do. This is the idea of impersonality.

A standard of formal, written communication

Bureaucracy prefers written communication more as compared to actual in person. This communication depends on the briefs made, emails sent, paperwork, etc, but needs to be done in written format. Here everything is systematic & documented. Every small detail also needs to be done through written communication not face to face.

Government policies

Once a government that is elected takes decisions on policy, bureaucracy gets the responsibility of implementing those policies. The political executive heads the policy-making but they need bureaucracy for its formulation. Hence, after bureaucracy plays an important role in forming those governmental policies.

Bureaucrats give necessary feedback regarding the effects of the policy to the ministers. It gives all the positive as well as the negative impacts of the policies.

They also formulate alternative policies and then the minister can execute or adopt the policies that are made.

Functions

Role of bureaucracy in running the administration

The bureaucracy has the responsibility to make sure that the administration is running perfectly without any disturbances. They make the administration running as per the rules and regulations that are implemented by the government.

Role of bureaucracy as advisors to political executives

The bureaucracy advises the political executive for making decisions for the betterment of government and for smoothly running the government. Political executives have no knowledge regarding the functions of the government. Hence these bureaucrats guide them properly because they are highly educated and are experienced enough. Even the ministers take their advice for the proper work or utilization of the government policies. These bureaucrats provide adequate information to the ministers also.

Role in law-making

Here also they have a major indirect role. All the bills are drafted by them which the minister needs to submit to the legislation for making the law. The ministers contact the civil servants for help to provide all the necessary information to the legislation for the lawmaking.

Role in policy-formulation

The policies that are made need to be included in specific situations. This is a function of political executives. These political parties collect the data from the civil servants for implementing those in the policies. These civil servants help the political executives to identify the merits and demerits of the policies. After going on all the merits and demerits one by one, the political executive can choose any policy as the governmental policy.

Role in record-keeping

Bureaucrats maintain and keep governmental records. They collect and categorize the datas of government activities. They also look on the socio-

economic statistics which are used for public policies and for future developments.

Financial administration

Bureaucracy plays a vital role in case of the financial administrations. The political executives who have very little knowledge take advice from bureaucrats for financial settlements, tax structures & also administration purposes. While dealing with respect to tax structures they collect the taxes and solve the disputes which have arisen or which may arise during the recovery of the taxes. They manage all the paperwork.

Responsibility for public relations

It is the responsibility of the bureaucrats to maintain relations with the general public. The ministers are somehow dependent on them because they inform their decisions regarding policy & try to communicate the interests, views, & needs of the public. The civil servants are the main agents who direct contact with people. They provide a two way link. They communicate to the government regarding the needs of the people and also communicate to the people the decisions that have been made by the government. Hence, after bureaucracy plays an active role here.

Collection of taxes and disbursement of financial benefits

The civil servants advise the political executives in respect of financial administrations. They provide advice regarding the tax administrations, dispute settlements, recovery of taxes etc. They also prepare the budget and taxation proposals. They also grant subsidies, tax reliefs, and many other concerns to the people.

Fixed salaries

Every individual from the Bureaucracy gets a fixed amount. Directly at the hour of the arrangement, he has apportioned a size of pay, which relies on the nature and level of his employment obligation. All the civil servants having a place with a specific class of managerial chain of importance are set in one size of pay. Each occupation likewise qualifies them for certain stipends.

Judicial work

The development of the arrangement of managerial equity, under which a few sorts of the cases and questions are chosen by the chief, has additionally

been a wellspring of expanded semi-judicial work of the bureaucracy. The disputes including the award of grants, licenses, charge concessions, standards and so on are presently settled by the government employees.

Civil Service and Public Service

Difference between Civil Service And Public Service

The terms civil service and public service seem to refer to very similar concepts but there is a significant difference between the two. Civil service is performed by a civil servant, a bureaucrat hired by the country's government who works for the public sector; conversely, public service is performed by a public servant, a person appointed by a member of the government to serve the population and perform public duties. Civil servants are top ranked employees who work in various government's departments and offices and whose duties vary according to their role and position. Public servants are not has high ranked and provide basic services to the population and to the most needy segments of society.

What is Civil Service?

Civil service is a service provided by the government to all citizens. It is performed by civil servants, highly skilled individuals who achieved their positions for merit, who operate in the interest of the general public. Some of the services provided for by civil service include:

- Paying pensions and benefits;
- Running and managing prisons;
- Issuing driving licenses;
- Representing the government in international organizations and in foreign countries; and
- Managing employment services.

Civil servants are bureaucrat who need to be familiar with the country's laws and regulations, and who must act in order to promote the highest interests of the country and of its citizens. Civil service allows the government to provide basic services to all citizens and to run efficiently all its various departments.

What is Public Service?

Just like civil service, public service is a service offered by the government to all individuals under its jurisdiction, including the most needy segment of societies. It is performed by public servants and includes services like:

- Paramedics;
- Fire brigades;
- Police; and
- Air force.

Aside from the members of the just mentioned official bodies, public servants are not necessarily skilled or qualified individuals. In fact, they can perform various tasks – including volunteering – that do not require particular abilities but that fall within the services offered to the citizens by the government. Such services should be available to all persons under the government’s jurisdiction, including the neediest individuals.

Similarities between Civil Service and Public Service

Civil service and public service are very similar concepts. In fact, both services are offered by the government to all citizens or to all persons under the government’s jurisdiction and both aim at improving the country’s social environment. The main similarities between the two include:

- Both jobs/services are linked to the government’s policies and are performed in the interest of the population as well as of the state itself;
- Civil servants and public servants are employed by the government – even though civil servants occupy the highest ranks; and
- Civil service and public service aim at making the country (any country) a better place, at promoting the image of the state within and outside its borders, and at improving general living conditions of the population.

What is the Difference between Civil Service and Public Service?

The main difference between civil service and public service concerns the degree of responsibility and the different tasks given to the public and civil servants:

Civil servants are top class employees managing key governmental duties with the aim of improving living conditions within the country and of ensuring the smooth delivery of all operational tasks. Conversely, public servants occupy lower places in the rank and perform simpler tasks;

Public servants like police officers and firefighters have to undergo various trainings to learn how to master their tasks, but not all public servants need to be highly qualified or trained. Conversely, all civil servants must be highly qualified and need to have both educational and professional experience; and

Civil service is performed by the most skilled individuals who obtain their job by passing several tests and exams and are only appointed on merit. Conversely, public service can obtain their job by passing tests and interviews even if they do not have relevant educational or professional qualifications.

All-India service:

Indian Administrative Service (IAS), Indian Police service (IPS), and IFoS are the three main segments of All-India services. The main feature of All-India services is that the candidates have been recruited in the grade A post by the Union Government. Though, the posting of the candidates is placed under different state governments. The AIS was introduced by the Britishers in India. The recruitment process was controlled then by the “Court of Directors” of the “East India” Company. This study focuses on the brief history of AIs and the list of All-India services and their controlling body.

Overview and a brief history

AIS is a group of Government services in which the citizens of India get a chance to be posted as a grade A officer in the branch of IAS, IPS, or IFoS. It was first introduced in India by the British Government, and it was controlled then by the CoD of the East India Company. It was named as Covenanted “Civil Services” in the British era. In 1947, it was named as All-India Services (AIS). The ICS was replaced by the IAS in 1947. In addition to that, IP was replaced by IPS. Indian Forest Service (IFS) was formed in 1963, and it was put into operation in 1966. The key feature of AIS is that the members are being recruited through the centre as well as their services are being placed under various Cadres of state. It also states that members have liability to serve under state and center cadre. Central government has recently announced a policy which is based on the allocation of new cadres to ensure integration of bureaucracy as well as to ensure services of All India Character.

Power, Purpose, and Responsibilities

The power, purpose, and responsibilities of these All India Services are described in the All India Services Act, 1951 which authorizes the Government of India with the consultation of State Governments to make guidelines and procedures for the service conditions and the recruitment of the people appointed to All India Services. The All India Service (Conduct) Rules, 1968 governs the All India Services which specifies the code of conduct for Civil Servant overall.

INDIAN ADMINISTRATIVE SERVICE (IAS)

- The Indian Administrative Service is one of the All India Services among the other two i.e. the Indian Forest Service and Indian Police Service.
- Candidates who are selected as IAS Officers are trained to manage Government affairs. Every civil servant is allotted to a particular office with policy framing and implementing as the major responsibility in that particular area.
- The policy issues are framed, modified, and interpreted in this post under the direct supervision of the Administrative Office with the consent of the Minister. On the advice of the officer, the implementation of the policies is also done. The policy-making matters of the government mechanism depend on the civil servant rank.
- The process of implementation includes supervision as well as visiting/touring. The allotment of huge funds to and by the field officers mandates supervision and the concerned officials are answerable to queries made in the Parliament.

RANKS OF THE INDIAN ADMINISTRATIVE SERVICE

Below given are the ranks that an IAS officer will hold during his tenure.

Cabinet Secretary ranks at the top

- Secretary/Additional Secretary
- Joint Secretary
- Director
- Under Secretary
- Junior Scale Officers

- The ranks are given to the civil servant based on their seniority in the civil services.

Junior Scale Officer

- An IAS Officer starts his career in the state as a probationary officer for two years. During this two year, the officer spends at training schools, field offices, Secretariat, or in a District Magistrate's Office.
- She/he is appointed as the Sub-Divisional Magistrate and has to take care of law, order and general administration like developmental work in the area which is allocated to her/him.

Senior Scale Officer

After the probationary period of 2 years as a junior scale officer, she/he moves to the senior scale where she/he functions as the District Magistrate, Managing Director of Public Enterprise or Director of a Department.

The Senior Scale comprises of the following designations:

- Senior Time Scale (Joint Secretary)
- Junior Administrative Grade (Additional Secretary)
- Selection Grade (Special Secretary)
- The Senior Scale Officers are promoted as the Selection Grade Officers after 13 years of regular service.

Super Time Scale

The next promotion that a civil servant will be entitled within the States is the Commissioner-cum-Secretary and that would be after 16 years of regular service.

Above Super Time Scale

After 24 years of regular service, an IAS officer may be given on promotion as Principal Secretaries/Financial Commissioners in some states that entitle them to Above Super Time Scale.

REMARKABLE FEATURES OF IAS

- As a civil servant, the officer also represents the Government of India in another country or in an international forum. An officer as a Deputy Secretary is also attributed to signing agreements on behalf of the Government.
- Every State has many Secretaries/Principal Secretaries and only one Chief Secretary. In some States, the Secretaries designation are considered as more prestigious than others like the Finance Secretary, Home Secretary, Development Commissioners and enjoy the salary as the Principal Secretary.
- The Chief Secretary in the State is the top rank that a civil servant can attain and the Chief Secretary may be assisted by Additional Chief Secretaries. While in some States/Cadres like New Delhi, the Financial Commissioner and other high ranking secretaries like Additional Chief Secretaries enjoy the same pay as the Chief Secretary.
- In the District, the most senior person is the Collector or Deputy Commissioner (DC) or District Magistrate (DM). The Collector or Deputy Commissioner (DC) or District Magistrate (DM) handles the affairs of the District that includes the development functions.
- The DM/C/DM necessarily visits all rural sectors to inspect specific projects, disputed sites and addresses the problems of people during the visit.
- In the Division Level, the Divisional Commissioner is in charge of her/his division. Her/his responsibility is to take care of the law and order and general administration and development duties.
- The Chairman of the Board of Revenue hears appeals against the Divisional Commissioner.

INDIAN FOREST SERVICE (IFS)

The Indian Forest Service is one of the All India Services along with the other two services namely Indian Police Service and Indian Administrative Service.

HISTORY

One of the earliest countries to have scientific forest management was India. The British established the Imperial Forest Department in 1864. The first Imperial Inspector General of Forests was a German named Dr. Dietrich Brandis. In 1867, the Imperial Forestry Service was organized. From 1867 to 1885, officers who were Imperial Inspector General of Forests were given training in France and Germany. From 1885 to 1905, they were trained at Cooper's Hill London. From 1905 to 1926, training was done by the Universities of Cambridge, Oxford and Edinburgh. From 1927 to 1932, the forest officers were given training at the Imperial Forest Research Institute (FRI) situated in Dehradun which was established in 1906. The Indian Forest College was set up in 1938 at Dehradun.

The Forestry was transferred to the provincial list by the Government of India Act 1935 until then it was managed by the federal government and afterwards which the recruitment to the Imperial Forestry Service was discontinued.

After Independence, the Indian Forest Service (IFS) (the present-day IFS) was established in 1966 under the All India Services Act 1951 for safeguard, preservation, and restoration of forest sources.

The Forest Area is included in the Concurrent List and India has about an area of 635,400 km forests, which is 19.32 per cent of the country.

RANKS OF THE INDIAN FOREST SERVICE

The ranks of the Indian Forest Service are as given below:

- Probationary Officer
- Divisional Forest Officer(DFOs)
- Deputy Conservator of Forests, Conservator of Forests(CFs)
- Chief Conservator of Forests(CCFs)
- Additional Principal Chief Conservator of Forests(Addl.PCCFs)

- Principal Chief Conservator of Forests(PCCF) (highest post in a State)
- Director-General of Forests (DGF – highest post at Centre and selected from amongst the senior-most PCCFs of states)

REMARKABLE FEATURES OF IFS

The candidates who are selected for IFS are trained at the Indira Gandhi National Forest Academy. The officers are trained in such a way that they are hardened enough to serve in the most difficult terrains in the country.

The Indian Forest Service requires keen technical knowledge along with the excellent administrative ability to perform the duty.

In addition to getting entrusted with senior designations in the Central Secretariat, State Secretariats and various assignments under the Central Staffing Scheme, the IFS Officers also work in several International and National Organizations pertaining to the management of forests, wildlife, and environment such as

- Food and Agricultural Organization of the United Nations
- International Centre for Integrated Mountain Development
- SAARC Forestry Centre, Forest Survey of India
- Wildlife Institute of India, Indian Council of Forestry Research and Education (ICFRE)
- Indira Gandhi National Forest Academy(IGNFA)
- Directorate of Forest Education
- Wildlife Crime Control Bureau(WCCB) and etc.

INDIAN POLICE SERVICE (IPS)

The Indian Police Service (IPS) being one of the All India Services is accountable for public safety, internal security, and law and order.

After independence (1948), the Imperial Police (IP) was replaced by the Indian Police Service. The Indian Police Service in itself is not a law enforcement agency but it is the body to which all the senior police officers belong to irrespective for whichever agency they work.

An IPS officer faces several life-threatening and is imperilled to harsh conditions. The Director-General of Police of the Indian Police Service is

entrusted with the overall law and order of the entire State, while the Superintendent of Police for the entire District and the Deputy Commissioner or the Commissioner of Police for Metropolitan Cities or the entire city respectively. An IPS officer as the Commissioner of Police enjoys magisterial powers.

The Indian Police Service (IPS) though not equal to the Indian Administrative Service (IAS) is the only service in the country that comes close to the IAS considering the Power, Authority, and Speed in promotion whether at the State or in the Government of India.

RANKS OF THE INDIAN POLICE SERVICE (IPS)

The following are the ranks that an IPS officer takes charge as during her/his tenure in the service.

- Assistant Superintendent of Police (Sub-division for 2 years' probation)
- Superintendent of Police or Deputy Commissioner of Police (After 4 years in service)
- Junior Administrative Grade (After 9 years in service)
- Selection Grade (After 13 years in service)
- Deputy Inspector General of Police or Additional Commissioner of Police (After 14 years in service)
- Inspector-General of Police (After 18 years in service)
- Additional Director General of Police (After 25 years in service)
- Finally, the Director-General of Police (after 30 years in service)

The Director-General of Police and Commissioner of Police is the head of the entire police force of the State or Metropolitan City like Chennai, Delhi, Kolkata, Mumbai, etc., and below him/her comes the Additional DGP or Special Police Commissioner. While the inspector General or Joint Commissioner of Police is the head of specialized police force like the Criminal Investigation Department, Special Branch etc.

Central Services

There are several services that are covered in Group A of Central Services. Many students who are doing their UPSC preparation often wonder about how many services are included in Central Services Group A? If you are one of them, then you don't need to worry. Here is a list of all the Group A Central Services.

Some of the Popular Group A Services Explained

As stated earlier in this article, Group A Central Services is one of the most desirable positions that is targeted by candidates while doing IAS preparation. These are the most respected services that you can be a part of by giving UPSC exams. Appointments for Group A services are made by the President of India; this fact further shows the grandeur of these services.

Border Security Force (BSF)

As the name states, it is the security force that safeguards the Indian borders with Pakistan and Bangladesh. It is one of the largest forces guarding the borders. To get into BSF, you will have to clear the Assistant Commandant Exam that is held annually. It is one of the most respected armed forces in India and comes under Group A Central Services.

Indian Foreign Service (IFS)

Indian Foreign Service is the civil service that conducts diplomacy and manages foreign relations in India. If you are a part of the Indian Foreign Service, then you will be deployed in the Ministry of External affairs headquarters in Delhi and the Prime Minister's Office. After you are selected for IFS, you need to undergo a foundation course at LalBahadurShastri National Academy of Administration in Mussoorie.

Indian Railway Services

Indian Railways is a government organization that has an employee count of more than a million and is the fourth-largest railway network in the world. There are many Group A Central services that you can get into in Indian Railways. Some of the Central Services in Indian Railways are:

Indian Railway Accounts Service (IRAS)

Indian Railway Medical Services (IRMS)

Indian Railway Personnel Service (IRPS)
Indian Railway Service of Engineers (IRSE)
Indian Railway Service of Electrical Engineers (IRSEE)
Indian Railway Service of Mechanical Engineers (IRSME)
Indian Railway Service of Signal Engineers (IRSSE)
Indian Railway Stores Service (IRSS)
Indian Railway Traffic Service (IRTS)

In order to get a position in Indian Railways, you will have to clear the RRB exam.

Indian Audits and Accounts Service (IA&AS)

Indian Audits and Accounts Service (IA&AS) is a Group A Central Service where you work without any control of executive authority under the Comptroller and Auditor General of India, aka CAG. It is one of the best services for candidates with a commerce background as the work involves auditing, which is a familiar thing for commerce students. You need to clear UPSC exams to get recruited. After your selection, you need to complete your training at the National Academy of Audit and Accounts in Shimla, Himachal Pradesh.

Indian Postal Service (IpoS)

Indian Postal Service covers all the post related services provided by the government of India. The Department of Posts operates the postal system in India, and candidates who choose Indian Postal Services after clearing exams get to work in India post. Indian Postal Services come under Group A Central Service and includes services such as Army Postal Service, Electronic Indian Postal Order, and more.

Union Public Service Commission

Union Public Service Commission (UPSC) is not an exam but it is a constitutional body which is authorized to conduct various exams in the country one among which is Civil Services Exam, while Indian Administrative Services (IAS) which is commonly known as IAS Exam is also not an exam and is one of the civil services post among the others like IPS, IFS and etc. to which candidates can get into through the Civil Services Exam. The UPSC is a constitutional body. It is a central agency which is authorized to conduct various examinations in India and the list of exams is given below.

- Civil Services Examination
- Indian Forest Service Examination
- Engineering Services Examination
- Combined Defence Services Examination
- National Defence Academy Examination
- Naval Academy Examination
- Combined Medical Services Examination
- Special Class Railway Apprentice
- Indian Economic Service/Indian Statistical Service Examination
- Combined Geoscientist and Geologist Examination
- Central Armed Police Forces (Assistant Commandant) Examination

The commission's approval is granted by the Constitution of India as mentioned in the articles 315 to 323 of Part XIV of the constitution titled as Services under the Union and the States for public service commission for the union and for each state.

Composition of Union Public Service Commission

The Union Public Service Commission (UPSC) consists of a chairman and ten members. The terms and conditions of service of the chairman and members of the Commission are governed by the Union Public Service Commission (Members) Regulations, 1969.

Eligibility and Tenure of Chairman & Members

- The President of India appoints the Chairman and other members of the Union Public Service Commission (UPSC). Generally, the members of the commission are the civil servants with at least 10 years of experience either in Central or State service.
- The Commission is examined by a Secretariat led by a Secretary with two Additional Secretaries, a number of Joint Secretaries, Deputy Secretaries and other assistant staff.
- Each member holds office for a term of 6 years or until he attains the age of 65 years.

Criteria for Removal of Members (Union Public Service Commission)

The members can submit their resignation to the President of India at any time. Any member of the commission would be removed from the office by the President of India on the ground of misbehaviour (if and only if an inquiry of such misbehaviour is made and defended by the Supreme Court of India) or if any member is charged with bankrupt or engaged in any paid employment outside the duties of his office or if the President opines the member is unfit to continue in office by reason of illness of mind or body.

The member can be removed from the office by the President of India on the grounds as well as procedure is given in Article 317 in the Constitution of India.

The Union Public Services Commission is among one of the few institutions which execute both autonomy and freedom along with the country's higher judiciary and Election Commission.

Recruitment rules for Union Public Service Commission

According to the provision mentioned in Article 320 of the Constitution of India, the provisions of Union Public Service Commission (Exemption from Consultation) Regulations 1958, Recruitment Rules of all Group 'A' and Group 'B' posts in various Ministries/Departments of Government of India are necessary to be framed in consultation with the Commission. The Consultation with the Commission is also mandatory for structuring or revising Recruitment Rules for certain categories of posts under the Delhi Municipal Corporation, The New Delhi Municipal Coil, the Employees State Insurance Corporation, and the Employees Provide. Every year on all-India basis various examinations are conducted by the Union Public Service Commission (UPSC) and this includes Civil Services, Engineering, Medical and Forest Service, etc.

Functions of Union Public Service Commission

The major functions of the Union Public Service Commission (UPSC) under Article Section 320 of the Constitution of India are:

- To conduct various examinations for the appointment to the services of the Union
- Direct Recruitment by selection through interviews
- Appointing Department officers on promotion, deputation and through absorption

- Constituting and amending the Recruitment Rules for various services and posts under the Government.
- Disciplinary cases relating to different Civil Services
- About any matter related to the UPSC, they can directly recommend the Government by the President of Indian.

Recruitment Training

Recruitment training is a type of continuing education that helps recruiters become more effective in their roles and advance in their careers. There are a variety of opportunities out there that can help anyone from early professionals who want to learn the basics of recruiting to experienced recruiters searching to fill gaps in their experience and knowledge.

Regardless of where you are in your career or whether you work as an independent contractor, in-house recruiter or at an agency, there is always room to grow in your career. To determine which training will benefit your unique needs and situation, check out the different types of recruitment training.

Depending on your learning style and the information you want to glean from continuing education, different types of recruitment training may be better for your unique situation and needs. Here's a breakdown of the basic differences.

IN-CLASS RECRUITMENT TRAINING

Depending on your learning style, in-class training may be a more effective means of expanding your recruitment knowledge. By typing in "recruitment training near me" into a search engine, you should be greeted with a list of training centers and professionals that offer courses near you.

The main downside with in-class recruitment training is that it's limited to the professionals in your area. However, these kinds of classes can actually be more effective as you are working with professionals who best understand and actively work within your local employment market.

RECRUITMENT TRAINING EDUCATIONAL RESOURCES

Recruitment training does not necessarily mean a structured course with an instructor and reading materials. You can also choose to pursue self-guided

recruitment training with the resources at your disposal. We'll provide a number of such resources later in this article.

DIY RECRUITMENT TRAINING

Learning is not limited to organized education, like online courses and books. One of the best resources you have to learn and grow in your job is that of other professionals who have worked longer and are more effective recruiters. Networking with professionals is a great way to hear from people actually doing the work and facing the same challenges you are.

Note that while many professionals are excited to chat with and help other professionals over a cup of coffee, you should never expect them to share their time and knowledge with you for free. It's always courteous to offer something, whether it be money, services or your own knowledge in exchange.

Networking on Social Media: Social media, especially sites specific for professional use, are great tools for following, learning about and connecting with other recruitment professionals within your industry.

Utilizing Boolean Search: Boolean Search is an invaluable tool for anyone struggling to find candidates through traditional recruitment strategies. Understanding how to utilize Boolean Search tactics on search engines and specific websites can help recruiters narrow down specific candidate pools beyond their networks and ATS. It's also a great way to search for professionals to network with.

Grants-in-aid

Grants-in-aid Scheme:

The Ministry of was running a Grant-in-aid Scheme for the welfare of women labour. This Scheme, which was continuing since Sixth Five Year Plan (1981-82), was administered through voluntary organizations by giving grant-in-aid to them for the following purposes:

Organizing working women and educating them about their rights/duties,
Legal aid to working women
Seminars, workshops, etc. aiming at raising the general consciousness of the society about the problems of women labour

Under this Scheme, Voluntary Organizations/NGOs were being provided funds by way of grants-in-aid to take up action-oriented projects for the benefit

of women labour. Projects relating to awareness generation campaigns for women labour under this Scheme. The focus of the Scheme was awareness generation among women labour, in the area of wages, like minimum wages, equal remuneration, etc. to disseminate information on various schemes of Central/State Government Agencies available for the benefit of women labour.

This Scheme was introduced with the intention of furthering Government's policy of helping women workers become aware of the rights and opportunities available to them under various Schemes of the Government.

As per the provisions of the Scheme, grants-in-aid was being provided as 75% of the total cost of the project. However, the projects relating to studies entrusted to various institutes were funded in full, i.e., 100%.

Types of Grants-in-aid in Indian Constitution

Apart from distribution of taxes between centre and states, the constitution provides for mainly two types of grants-in-aid viz. statutory grants and discretionary grants:

- Statutory Grants
- Discretionary Grants
- Other Grants

Statutory Grants

Article 275 makes provisions for statutory grants to needy states {not every state}. These are charged on Consolidated Fund of India. Such grants also include specific grants for promoting the welfare of the scheduled tribes in a state or for raising the level of administration of the scheduled areas in a state including the State of Assam. The bases of these grants are recommendations of finance commission.

Discretionary Grants

Under article 282, both centre and states are able to make any grants for public purpose even if they are not within their legislative competence. Since such grants are discretionary, there are no obligations to make such grants. During the planning commission era, these discretionary grants were in fact bigger than statutory grants and that is why planning commission had assumed very important role.

Other Grants

For initial 10 years, constitution had made special grants for Assam, Bihar, Odisha and West Bengal for promotion and protection of jute industry.

Inter-State Council – Introduction

The nation can progress only if the Union and State Governments work hand in hand. There are many challenges to maintain the federation. For a soothing functioning of the system, it is necessary to conduct periodic debates and discussions.

Inter-State Council is not a permanent constitutional body, which can be created at any time if it seems to the President that the public interest would be served by the establishment of such council. It was set up in 1990 through a presidential ordinance for the first time as per the recommendations of the Sarkaria Commission under the Ministry of Home affairs. The secretarial functions of the Zonal Councils have been reassigned to the Inter-State Council Secretariat from 1st April 2011.

Inter-State Council

Inter-State Council works as an instrument for cooperation, coordination and the evolution of common policies. The interstate council is proposed to meet thrice a year. But in 26 years, it has met only 11 times. The latest meeting was held after a gap of 10 years in Delhi in July 2016.

Inter-State Council Composition

Prime Minister acts as the chairman of the council. (Read about Prime Minister and Council of Ministers in the linked article.)

- Members of Inter-State Council
- Union Ministers of Cabinet rank in the Union
- Council of Ministers nominated by the Prime Minister.
- Chief Ministers of all states.
- Chief Ministers of Union Territories having a Legislative Assembly
- Administrators of UTs not having a Legislative Assembly.
- Governors of the states being administered under President's rule.

Functions of Inter-State Council

- Inquiring and advising upon disputes which may have emerged between the States:
- Investigating and discussing subjects in which the States of the Union has a common interest.
- Making suggestions on any such subject, for the better coordination of policy and action with respect to that subject.

Highlights of 11th Inter-State Council Meeting

- Consideration of Punchhi commission recommendations on Centre-State Relations.
- Use of Aadhaar and DBT for providing Subsidies, benefits, and Public Services
- Enhancing the quality of education with a focus on improving learning outcomes, incentivizing better performance, etc.
- Internal Security with a focus on intelligence sharing and synchronization for fighting Terrorism and Insurgency and Police Reforms and Police Modernization.

Planning Commission Dissolution

Though it played a vital role in India's emergence from a beaten country during the days of the Raj to an independent nation with ambitious developmental goals, the Commission has often been accused of being a soviet-styled bureaucratic body that stifled economic growth. In 2012, the commission received flak for spending about Rs.35 lakhs for renovating two toilets and then suggesting that the country's citizens who spent more than Rs.27 per day were not poor.

In 2014, it was replaced by NITI Aayog, a more robust organisation. It is more like a think-tank that works with stakeholders for developing the country.

Planning Commission Background

Planning Commission of India was an organization in the Government of India, which formulated India's Five-Year Plans, among other functions. The planning commission was charged with the service of the opportunities to all for employment in the service of the community.

The Planning Commission was reporting directly to the Prime Minister of India. It was established on 15 March 1950, with Prime Minister Jawaharlal Nehru as the chairman. The Planning Commission did not derive its creation from either the Constitution or statute but was an arm of the Central/Union Government.

The Planning Commission was set up by a Resolution of the Government of India in March 1950. The prime objectives of the Government were to propel a rapid increase in the living standard of Indians by the productive exploitation

of the country's resources, raising production and securing opportunities for everyone for employment in the service of society. The Planning Commission was assigned the responsibility of assessing all the resources of the country, enhancing scarce resources, drafting plans for the most productive and balanced usage of resources and ascertaining priorities. Pandit Nehru was the first Chairman of the Planning Commission.

The first Five-year Plan was launched in 1951 and subsequent Five-year plans were formulated till 1965 when a gap occurred due to the war with Pakistan. 2 consecutive years of drought, rupee devaluation, a general hike in prices and depletion of resources derailed the planning process and after Annual Plans from 1966 to 1969, the 4th Five-year plan was started in 1969.

The 8th Plan could not be launched in 1990 due to political situations altering and instabilities at the Centre and the years 1990-91 and 1991-92 received Annual Plans. The 8th Plan was finally kicked off in 1992 after the economic liberalization policies were started by the government. For the first 8 Plans, the focus was on an expanding public sector with massive investments in the heavy and basic industrial sector, but after the launch of the 9th Plan in 1997, the emphasis has shifted from heavy industries and moved on to the thinking that planning should largely be indicative in nature.

Planning Commission Functions

The 1950 resolution setting up the Planning Commission outlined its functions as the following:

- Make an evaluation of the capital, material and the human resources of the nation, including technical personnel, and study the possibilities of enhancing these resources for building up the nation;
- Draft a Plan for the most balanced and effective usage of the country's resources;
- Define the stages in which the Plan should be implemented and put forward the allocation of resources for the completion of every stage;
- Specify the factors that hamper economic development, and ascertain the conditions which, in view of the prevailing social and political situation, should be set up for the triumphant implementation of the Plan
- Determine the kind of machinery required for obtaining the successful execution of each stage of the Plan in all its aspects;

- Regularly appraise the progress achieved in the implementation of all stages of the Plan and propose the rectifications or recommendations of policy and measures that such appraisal may deem necessary;

Make such interim or ancillary recommendations either for enabling the discharge of the duties assigned to it or on a consideration of the existing economic conditions, current policies, measures and development programme or on a study of such specific problems which the Central or State Governments can refer to it.

Composition of Planning Commission:

The Prime Minister was the Chairman of the Planning Commission, which used to work under the overall guidance of the National Development Council. The Deputy Chairman and the full-time members of the Commission, as a composite body, provided advice and guidance to the subject Divisions for the formulation of Five Year Plans, Annual Plans, State Plans, Monitoring Plan Programmes, Projects and Schemes.

Members of the Planning Commission

- Chairman – Prime Minister; presided over the meetings of the Commission
- Deputy Chairman – de facto executive head (full-time functional head);
- Was responsible for the formulation and submission of the draft Five-Year Plan to the Central cabinet.
- Was appointed by the Central cabinet for a fixed tenure and enjoyed the rank of a cabinet minister.
- Could attend cabinet meetings without the right to vote.
- Part-time members – Some central ministers
- Ex-officio members – Finance Minister and Planning Minister

NITI Aayog

Evolution of NITI Aayog

NITI Aayog was established on 1 January 2015. The Sanskrit language defines “NITI” as morality, guidance, and behaviour. However, in present terminology, it refers to policies, and the full-form stands as “National Institution for Transforming India.” The premier-policy-making institution boosts the overall economic growth of India through its various programmes.

Moreover, it focuses on building powerful states to help the nation become more secure and indestructible. It helps the country to turn into a significant

prudence nation across the world. The institution consists of two primary hubs called “Team India Hub” and “Knowledge and Innovation Hub.”

Team India Hub: The Team India Hub ensures the involvement of Indian states with the central government and fosters cooperative federalism along the way. Also, the hub mandates the creation of policies and programmes to evaluate and resolve sectoral issues.

The Knowledge and Innovation Hub: The knowledge and Innovation Hub is mainly responsible for constructing an institution’s think tank capability. It includes a systematic study of practical governance activities, good practices, passing on suggestions, etc. The hub also motivates the team to form a fellowship with universities and non-governmental institutions.

The think-tank institution is developing itself as a state-of-art-resource centre with the help of required resources, knowledge, and skills. It helps them entitle their speed, innovation, and advanced research programmes to manage unforeseen issues.

The Union Cabinet formed the NITI Aayog, as the general public expected the administration to enhance their system by their involvement. It includes some organisational changes and strategy implementation that can bring out notable marks in the system.

Composition of NITI Aayog

A NITI Aayog comprises of following members:

Chairperson: Prime Minister of India is the Chairperson NITI Aayog. **Governing council** comprises the Chief Minister of all Indian states and Lt. Governors of Union territories **Special Invitees:** A Prime minister invites these members, including prominent experts who acquire the domain skills and knowledge of the NITI Aayog **Other institutional members:** It includes the Vice-chairman of NITI Aayog, NITI Aayog CEO, four members of the minister council and other part-time members appointed by the Prime Minister

Objectives of NITI Aayog

NITI Aayog works for the systematic functioning of the institutional system. Below are the objectives regulated by NITI Aayog CEO and NITI Aayog Chairman.

Promotes cooperative federalism by initiating structural support systems and strategies for partnership between central and state governments

It constructs several mechanisms to develop village-level plans and combine their progress with government level plans

The NITI Aayog unfolds national development sectors prior, creates strategies, and ensures active participation of state governments in the process

The planning institution ensures national security to take an interest associated with their economic policy and strategies

NITI Aayog builds long-term policy and its framework, takes required initiatives, and evaluates progress and efficacy accordingly

The results received from monitoring are taken for improvements and corrections

- The Transforming India institution pays special heed to societal areas that are not receiving any benefits from its economic progress
- It gratifies to form fellowship between stakeholders, national and outside nation's think tanks, including policy research and educational institutions
- To develop the latest innovations, upgrade the knowledge and pioneering support systems with the help of a collaborative group of national and international practitioners, experts
- It provides a platform to solve inter-departmental and inter-sectoral problems and implements a development plan
- It balances the state-of-the-art resource centre by conducting prominent research on effective governance, and good practices for workable development
- The institution also helps in the dispersal of its stakeholders
- The institution actively examines the application of initiatives and programmes
- It includes discovering required resources to increase the scope of delivery and success possibilities

- Provides technological upgradation and strengthens the capacity for application of programmes and policies
- Handling activities involving the implementation of the national development plan and its objectives

Pillars of NITI Aayog

The seven pillars of NITI Aayog present in an institutional system are-

- Pro-people: Pro-people are responsible for fulfilling the desire of society and individuals
- Pro-activity: It involves the prediction of feedback on general public needs.
- Participation: Participation describes the involvement of the general public.
- Empowering: It means providing support to women in all aspects.
- Equality: Equality is the foremost important pillar of NITI Aayog, which gives an equal opportunity to the youth to change the structure of the Indian economy.
- Inclusion of all: It is also an essential pillar of the institutional systems as it serves every individual no matter what caste, creed, and gender they belong to.
- Transparency: It refers to building a transparent and responsive government for the country's citizens.

National Development Council

The National Development Council (NDC) or RashtriyaVikasParishad is the highest institution for decision-making and deliberations on development matters within India, presided over by the Prime Minister. The National Development Council was set up on 6 August 1952 to build up and mobilize the effort and the nation's resources to support the Five Year Plans made by the Planning Commission. The Council consists of the Prime Minister, the Union Cabinet Ministers, Chief Ministers of every State or their substitutes, representatives of the Union Territories, along with members of the NITI Aayog.

Role of National Development Council

The National Development Council plays a vital role in decision-making. Accordingly, the following roles are assigned to the National Development Council:

- The National Development Council sets guidelines for constructing national plans involving the assessment of required resources.
- The National Development Council considers the national plan constructed by the planning commission.
- The National Development Council considers significant questions of social as well as economic policy affecting national development.
- The National Development Council makes sure that balanced and rapid growth occurs in the nation.
- The national development Council creates an assessment of resources that are required to implement the plan and suggests measures to utilize them properly.
- The National Development Council reviews the functioning of the plan timely and recommends measures that are vital to achieving the objectives and targets set in the national plan.
- Structure of the National Development Council
- The national development Council is composed of given members below :
- Prime minister of India
- Chief Ministers of every state
- Administrators of all Union Territories
- All cabinet ministers
- Members of the planning commission

The 56th Meeting of the National Development Council

The 56th meeting of the national development Council was organized on 22 October 2011. The 56th meeting was presided over by Dr Manmohan Singh, prime minister of India. The meeting raised six main issues, which were :

- Determining the state-level five-year plans for the Twelfth Plan period early as well as setting targets for growth along with other social indicators.
- Allocation of resources for the plan.

- Agriculture requires more attention along with priority at state government levels.
- Managing energy resources is a massive challenge because rapid growth needs expansion in domestic energy supplies and a greater emphasis on energy efficiency.
- Management of water resources. Water shortage is the main issue that needs to be sorted out.
- Improvement of implementation of plan schemes on the ground.

Conclusion

The national development Council is considered the highest authority for development decisions. The National Development Council was formed in 1952. The primary motive behind establishing the National development Council was to assist in assessing resources for five-year plans.

In addition, the National Development Council has specific roles such as reviewing the functioning of the plan timely and recommending measures to ensure that the country achieves rapid and balanced growth, setting guidelines for the construction of the five-year plans, and reviewing national plans prepared by the planning commission. The National Development Council consists of the Prime Minister of India, Chief ministers of all states, all cabinet members, administrators of all union territories as well as members of the planning commission.

ZONAL COUNCIL

The idea of creation of Zonal Councils was mooted by the first Prime Minister of India, Pandit Jawahar Lal Nehru in 1956 when during the course of debate on the report of the States Re-organisation Commission, he suggested that the States proposed to be reorganised may be grouped into four or five zones having an Advisory Council ‘to develop the habit of cooperative working’ among these States. This suggestion was made by Pandit Nehru at a time when linguistic hostilities and bitterness as a result of re-organisation of the States on linguistic pattern were threatening the very fabric of our nation. As an antidote to this situation, it was suggested that a high level advisory forum should be set up to minimise the impact of these hostilities and to create healthy inter-State and Centre-State environment with a view to solving inter-State problems and fostering balanced socio economic development of the respective zones.

MEETINGS OF ZONAL COUNCILS

COMPOSITION OF ZONAL COUNCILS

In the light of the vision of Pandit Nehru, five Zonal Councils were set up vide Part-III of the States Re-organisation Act, 1956. The present composition of each of these Zonal Councils is as under:

- The Northern Zonal Council, comprising the States of Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, National Capital Territory of Delhi and Union Territory of Chandigarh;
- The Central Zonal Council, comprising the States of Chhattisgarh, Uttarakhand, Uttar Pradesh and Madhya Pradesh;
- The Eastern Zonal Council, comprising the States of Bihar, Jharkhand, Orissa, Sikkim and West Bengal;
- The Western Zonal Council, comprising the States of Goa, Gujarat, Maharashtra and the Union Territories of Daman & Diu and Dadra & Nagar Haveli;
- The Southern Zonal Council, comprising the States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and the Union Territory of Puducherry.
- The North Eastern States i.e. (i) Assam (ii) Arunachal Pradesh (iii) Manipur (iv) Tripura (v) Mizoram (vi) Meghalaya and (vii) Nagaland are not included in the Zonal Councils and their special problems are looked after by the North Eastern Council, set up under the North Eastern Council Act, 1972. The State of Sikkim has also been included in the North Eastern Council vide North Eastern Council (Amendment) Act, 2002 notified on 23rd December 2002. Consequently, action for exclusion of Sikkim as member of Eastern Zonal Council has been initiated by Ministry of Home Affairs.

Committees of Zonal Council

Each Zonal Council has set up a Standing Committee consisting of Chief Secretaries of the member States of their respective Zonal Councils. These Standing Committees meet from time to time to resolve the issues or to do necessary ground work for further meetings of the Zonal Councils. Senior Officers of the Planning Commission and other Central Ministries are also associated with the meetings depending upon necessity. :

ORGANISATIONAL STRUCTURE OF ZONAL COUNCILS

Chairman – The Union Home Minister is the Chairman of each of these Councils.

Vice Chairman – The Chief Ministers of the States included in each zone act as Vice-Chairman of the Zonal Council for that zone by rotation, each holding office for a period of one year at a time.

Members- Chief Minister and two other Ministers as nominated by the Governor from each of the States and two members from Union Territories included in the zone.

Advisers- One person nominated by the Planning Commission for each of the Zonal Councils, Chief Secretaries and another officer/Development Commissioner nominated by each of the States included in the Zone

Union Ministers are also invited to participate in the meetings of Zonal Councils depending upon necessity.

ROLE AND OBJECTIVES OF THE ZONAL COUNCILS

The Zonal Councils provide an excellent forum where irritants between Centre and States and amongst States can be resolved through free and frank discussions and consultations. Being advisory bodies, there is full scope for free and frank exchange of views in their meetings. Though there are a large number of other for a like the National Development Council, Inter State Council, Governor's/Chief Minister's Conferences and other periodical high level conferences held under the auspices of the Union Government, the Zonal Councils are different, both in content and character. They are regional for a cooperative endeavour for States linked with each other economically, politically and culturally. Being compact high level bodies, specially meant for looking after the interests of respective zones, they are capable of focusing attention on specific issues taking into account regional factors, while keeping the national perspective in view.

The main objectives of setting up of Zonal Councils are as under :

Bringing out national integration;

Arresting the growth of acute State consciousness, regionalism, linguism and particularistic tendencies;

Enabling the Centre and the States to co-operate and exchange ideas and experiences;

Establishing a climate of co-operation amongst the States for successful and speedy execution of development projects.

FUNCTIONS OF THE COUNCILS

Each Zonal Council is an advisory body and may discuss any matter in which some or all of the States represented in that Council, or the Union and one or more of the States represented in that Council, have a common interest and advise the Central Government and the Government of each State concerned as to the action to be taken on any such matter.

In particular, a Zonal Council may discuss, and make recommendations with regard to:

Any matter of common interest in the field of economic and social planning;

Any matter concerning border disputes, linguistic minorities or inter-State transport;

Any matter connected with or arising out of, the re-organization of the States under the States Reorganisation Act.

MEETINGS OF ZONAL COUNCILS

As per Section 17(1) of States Re-organisation Act, each Zonal Council shall meet at such time as the Chairman of the Council may appoint in this behalf. Since their inception in 1957, the Zonal Councils have met 106 times.

SECRETARIAT OF ZONAL COUNCILS

The Secretariat of the Zonal Councils has also been created by the statute itself. Section 19 of the States Re-organisation Act deals with the staff of Zonal Councils whereas Section 20 deals with office of the Council and its administrative expenses.

Office of Zonal Councils:

As per Section 20(1) of the States Reorganisation Act, 1956 the office of Zonal Council for each zone shall be located at such place within the zone as may be determined by the Council. However, since 1963, a single Secretariat looking after the affairs of all Zonal Councils is functioning from New Delhi. The Secretariat is located 9/11, Jamnagar House, New Delhi and functioning under administrative control of Ministry of Home Affairs.

Important commissions:

Government of India has constituted many commissions over the years that provide guidance, advice, and solutions on multifarious issues, either to the parent ministry under which they have been constituted or to the Prime Minister directly. These Commissions are either permanent in nature or ad hoc.

Important Commissions in India

Commissions are constituted by the Government of India Government of India has constituted many commissions over the years that provide guidance, advice, and solutions on multifarious issues, either to the parent ministry under which they have been constituted or to the Prime Minister directly. These Commissions are either permanent in nature or ad hoc.

Permanent Commissions:**Election Commission (EC)**

Election Commission is a Constitutional Autonomous Body. It is one of the most powerful and effective commissions until now. EC is responsible for conducting elections of the parliament, state legislative assemblies/councils, and offices of the President/Vice President.

Union Public Service Commission (UPSC)

UPSC is the premier central recruiting agency that conducts examinations as well as recruitment for All India services and Central services of Group A & B. Other functions of the UPSC include the appointment of officers, framing/amending recruitment rules, civil services' disciplinary cases, and advising the government on matters that are referred by the President of India to the Union Public Service Commission.

University Grants Commission of India (UGC India)

According to the UGC Act 1956, the Union Government set up a statutory body under the Ministry of Human Resource Development. It coordinates, determines, and maintains standards of higher education. UGC India also provides recognition to the Indian universities and disburses funds to the recognized universities/colleges.

Pay Commission

This commission recommends salary structure change for the government (both civil and military) employees. Till now there have been 7 Pay Commissions since independence.

National Human Rights Commission (NHRC) of India

This is a statutory public body that is responsible for protecting and promoting human rights as defined by the Protection of Human Rights Act.

Law Commission of India

It is an executive body that works for legal reform and advises the Ministry of Law and Justice.

Digital Communications Commission

The Telecom Commission was rechristened as the Digital Communications Commission on October 29, 2018. It is now meant to implement and monitor the National Digital Communications Policy.

Finance Commission

It defines the financial relations between the Union Government and the individual state governments. Finance Commission is appointed every 5 years.

Founded: November 22, 1951

Central Vigilance Commission

This apex Indian governmental body addresses governmental corruption and also advises Central Government organizations' authorities on plan/execution/review/reform of their vigilance work.

Founded: February 11, 1964

National Commission for Scheduled Tribes (NCST)

NCST (established through Constitution (89th Amendment) Act, 2003) oversees whether the multifarious Constitutional safeguards given to Scheduled Tribes are being implemented.

Founded: February 19, 2004

National Commission for Scheduled Castes (NCSC)

NCSC safeguards the Scheduled Castes from exploitation. It also promotes as well as protects their special provisions and economic/cultural/educational/social interests provided under the Constitution.

Founded: August 1978

National Commission for Backward Classes (NCBC)

The National Commission for Backward Classes considers inclusions/exclusions of backward communities to/from the list of backward classes.

Founded: August 14, 1993

National Commission for Minorities (NCM)

This commission has been set up by the Union Government for safeguarding the constitutional and legal rights, and redress the grievances of people belonging to minority communities. Muslims, Sikhs, Christians, Buddhists, Zoroastrians (Parsis) and Jains have been notified as minority communities by the Union Government.

Founded: 1992

National Commission for Protection of Child Rights (NCPCR)

This commission is a statutory body established in 2005, and works under the direction of the Ministry of Women and Child Development. Its mission is to promote the rights and welfare of children in India in accordance with the United Nations Convention on the Rights of Children, 1989, which was ratified by India in 1992. A child is defined as a person up to 18 years of age.

It has to promote safeguards for protection of child rights in different fields, such as inspection of juvenile custodial homes, ensuring free and compulsory education under the Right to Education Act, 2009, and monitor the implementation of POCSO Act, 2012 to prevent sexual offences against children. Its role has been expanded to mediate in child custody disputes in NRI marriages, through a mediation cell that develops a parental plan keeping the best interests of the child in mind.

Agricultural Prices Commission

Agricultural Prices Commission (earlier called Commission for Agricultural Costs and Prices) is a decentralized agency that recommends Minimum Support Prices (MSPs) of crops to the Government of India's Ministry of Agriculture & Farmers' Welfare. It also motivates farmers/cultivators in the use of latest technology for optimizing resource use as well as increase productivity.

Founded: January 8, 1965

National Statistical Commission (NSC)

It is an autonomous body that aims at reducing the problems faced by statistical agencies in India during data collection.

Founded: June 1, 2005

The Atomic Energy Commission

It governs the Department of Atomic Energy and organizes research in atomic science, trains atomic scientists, promotes nuclear research, and undertakes prospecting/extraction of atomic minerals.

Founded: March 1, 1958

Competition Commission of India

CCI is a statutory body that prevents any activity that adversely affects competition in India, such as unfair trade practices.

Founded: October 14, 2003

Khadi and Village Industries Commission

This is a statutory body formed under the Ministry of Micro, Small and Medium Enterprises. It plans, promotes, organizes, and implements the development of Khadi and other cottage industries.

Founded: 1956

The above mentioned permanent commissions are the most effective ones. However, there are others too such as National Commission for Enterprises in the Unorganized Sector, National Commission on Cattle, Central Water Commission, Census Commission, National judicial appointments commission, Staff Selection Commission, and many more. Apart from them, there are commissions at the State level, such as State Women's Commission, State Minorities Commission etc.

Ad-Hoc Commissions:

Some of the most important Commissions set up by the Central Government are States Reorganisation Commission, Kothari Commission, Khosla Commission, Kapur Commission, Mandal Commission, Nanavati-Shah commission, Nanavati Commission, Mukherjee Commission, Sarkaria Commission, Shah Commission, Liberhan Commission, Narendran Commission, and many more.

Election Commission

The Constitution of India has established a permanent and independent body to ensure free and fair elections in the country known as the Election Commission. The commission is responsible for holding Lok Sabha elections of India.

It is an important topic for IAS Exam, coming under Indian Polity syllabus. This article will hence talk about Election Commission of India, Article 324 (pertaining to the independence and impartial functioning of Election Commission,) its powers and responsibilities and more.

What is Article 324?

The Constitution provides the Election Commission of India with the power of direction, superintendence, and control of elections to parliament, state legislatures, the office of president of India and the office of vice-president of India.

The Election Commission is an all-India body that is common to both the Central government and the State governments. It must be noted here that the commission does not deal with the elections to the Municipalities and Panchayats in the states. Hence, a separate State Election Commission is provided by the Constitution of India.

Constitutional Appointment of ECI

Since its inception in 1950 and till 15 October 1989, the election commission was a one-member body with only the Chief Election Commissioner (CEC) as its sole member.

- On 16 October 1989, the voting age was changed from 21 to 18 years. So, two more election commissioners were appointed by the president in order to cope with the increased work of the election commission.
- Since then, the Election Commission was a multi-member body that consisted of 3 election commissioners.
- Later on, the two posts of election commissioners were eliminated in January 1990 and the Election Commission was reverted to the previous position.
- This was repeated again later in October 1993 when the president appointed two more election commissioners. Since then, the Election Commission functions as a multi-member body comprising of 3 commissioners.
- The chief and the two other election commissioners have the same powers and emoluments including salaries, which are the same as a Supreme Court judge.
- In case of a difference of opinion amongst the Chief Election Commissioner and/or two other election commissioners, the matter is decided by the Commission by a majority.
- The office is held by them for a term of 6 years or until they attain 65 years, whichever happens first. They can also be removed or can resign at any time before the expiry of their term.

Independence of the Election Commission

Article 324 of The Constitution of India mentions the provisions to safeguard and ensure the independent and impartial functioning of the Election Commission which is as follows.

- The chief election commissioner is provided with security of tenure. He cannot be removed from his office except in the same manner and on the same grounds as a judge of the Supreme Court. In other words, he can be removed by the President on the basis of a resolution passed to that effect by both the Houses of Parliament with a special majority, either on the ground of proved misbehaviour or incapacity.
- Thus, he does not hold his office until the pleasure of the president, though he is appointed by him.
- The service conditions of the chief election commissioner cannot be varied to his disadvantage after his appointment.
- Any other election commissioner or a regional commissioner cannot be removed from office except on the recommendation of the chief election commissioner.
- Though the constitution has sought to safeguard and ensure the independence and impartiality of the Election Commission, some flaws can be noted, ie:
 - The Constitution has not prescribed the qualifications (legal, educational, administrative or judicial) of the members of the Election Commission.
 - The Constitution has not specified the term of the members of the Election Commission.
 - The Constitution has not debarred the retiring election commissioners from any further appointment by the government.

Powers, Functions, and Responsibilities of Election Commission

Among the major Constitutional Bodies in India, Election Commission is a permanent Constitutional Body. It was established in accordance with the Constitution on 25th January 1950.

- The Constitution has vested to this body superintendence, direction and control of the entire process for conduct of elections.
- The Commission's functions and powers with respect to elections to the offices of the President, the Vice President, the state legislators and the Parliament are divided under three headings:
 - Administrative
 - Advisory
 - Quasi-judicial

Powers of Election Commission of India

In details, these powers of the Election Commission of India are:

- Determining the Electoral Constituencies' territorial areas throughout the country on the basis of the Delimitation Commission Act of Parliament.
- Preparing and periodically revising electoral rolls and registering all eligible voters.
- Notifying the schedules and dates of elections and scrutinising nomination papers.
- Granting recognition to the various political parties and allocating them election symbols.
- Acting as a court to settle disputes concerning the granting of recognition to political parties and allocating election symbols to the parties.
- Appointing officers for inquiring into disputes concerning electoral arrangements.
- Determining the code of conduct to be followed by the political parties and candidates during elections.
- Preparing a program for publicising the policies of all the political parties on various media like TV and radio during elections.
- Advising the President on matters concerning the disqualification of MPs.
- Advising the Governor on matters concerning the disqualification of MLAs.
- Cancelling polls in case of booth capturing, rigging, violence and other irregularities.

- Requesting the Governor or the President for requisitioning the staff required for conducting elections.
- Supervising the machinery of elections throughout the country for ensuring the conduct of free and fair elections.
- Advising the President on whether elections can be held in a state that is under the President's rule, in order to extend the period of emergency after 1 year.
- Registering political parties and granting them the status of national or state parties (depending on their poll performance).
- The Commission is aided in its function by deputy election commissioners. The deputy ECs are taken from the civil services and they are appointed by the Commission. They have a fixed tenure. They are aided by the secretaries, deputy secretaries, joint secretaries and under-secretaries posted in the commission's secretariat.

Functions of Election Commission

- -To direct and control the entire process of conducting elections to Parliament and Legislature of every State and to the offices of President and Vice-President of India.
- -To decide the election schedules for the conduct of periodic and timely elections, whether general or bye-elections
- -To decide on the location of polling stations, assignment of voters to the polling stations, location of counting centres, arrangements to be made in and around polling stations and counting centres and all allied matters
- -To prepare electoral roll and issues Electronic Photo Identity Card (EPIC)
- To grant recognition to political parties & allot election symbols to them along with settling disputes related to it
- -To sets limits of campaign expenditure per candidate to all the political parties, and also monitors the same
- To advise in the matter of post-election disqualification of sitting members of Parliament and State Legislatures.
- -To issue the Model Code of Conduct in the election for political parties and candidates so that no one indulges in unfair practice or there is no arbitrary abuse of powers by those in power.

Composition of Election Commission

Article 324 of the Constitution has made the following provisions with regard to the composition of the election commission:

- The President appoints the Chief Election Commissioner and other election commissioners.
- When any other EC is so appointed, the CEC acts as the Election Commission's Chairman.
- The President can also appoint regional commissioners to assist the Commission, if necessary after consulting with the Election Commission.
- The tenure of office and the conditions of service of all the commissioners shall be determined by the country's President.
- Importance of Election Commission for India
- The Election Commission has been successfully conducting national as well as state elections since 1952. Now, it plays an active role to ensure the greater participation of people.
- The Commission has brought discipline among the political parties with a threat of derecognizing if the parties failed in maintaining inner-party democracy.
- It supports the values preserved in the Constitution viz, equality, equity, impartiality, independence; and rule of law in superintendence, direction, and control over the electoral governance.
- ECI helps in conducting elections with the highest standard of credibility, fairness, transparency, integrity, accountability, autonomy and professionalism.
- In the electoral process, it ensures the participation of all eligible citizens in an inclusive voter-centric and voter-friendly environment.
- The Election Commission of India engages with political parties and all stakeholders in the interest of the electoral process.
- It creates awareness about the electoral process and electoral governance amongst stakeholders (political parties, voters, election functionaries, candidates and people at large) to enhance and strengthen confidence and trust in the electoral system of this country.

Challenges faced by Election Commission

Increased violence and electoral malpractices under influence of money have resulted in political criminalization, which ECI is unable to arrest.

- Election Commission is not adequately equipped to regulate the political parties. It has no power in enforcing inner-party democracy and regulation of party finances.
- ECI is becoming lesser independent of the Executive which has impacted its image.
- Allegations of EVMs malfunctioning, getting hacked and not registering votes, corrodes the trust of the general masses in ECI.

UNIT IV

State structure:

In a federal form of government, the state government is the government of a country's subdivisions and shares political power with the national government.

In the Constitution of India, which is a sovereign socialist secular democratic republic, the country has three levels of governments: the Central, the States and the Union Territories, besides the third level of governments, comprising the panchayats in rural areas and municipalities in urban areas. In India, the state governments are the level of government below the central government. Each state of the country is governed by the state government. There are 29 state governments in our country, each of which is headed by the governor and the chief minister. The CM also heads the council of ministers.

Structure of the state government

Executive: State Executive comprises the governor and the chief minister with his council of Ministers. The Governor of each state is appointed by the President for a period of five years. Executive power of the state is vested in the governor. But the actual powers for proper functioning of the state are vested in the CM and his council of ministers.

Judiciary: State high courts have jurisdiction over the whole state. In the states, the judicial setup is headed by the chief justice. He manages and controls the entire judicial system of the state pertaining to criminal, civil and all other forms of litigation. State high courts have to, however, report to the Supreme Court of India, which may override the high court's findings and judgements.

Legislature: Each state has a legislative assembly. It consists of the governor and one House or two Houses, as the case may be. In seven states, the state government's legislature is bicameral. These states are Bihar, Andhra Pradesh, Telangana, Jammu and Kashmir, Karnataka, Maharashtra and Uttar Pradesh. These states have two Houses known as legislative council and legislative assembly. The rest of the states are unicameral. There is only one House known as legislative assembly. State Legislature or State Assemblies are headed by the CM.

Legislature has two divisions Vidhan Parishad or Legislative Council

- Not more than one-third of total number of members or 40 members in legislative assembly of the state, except in J&K with 36 members.
- Elected members are called Member of Legislative Council (MLC)
- Elected by Governor, MLAs, standing graduates etc.
- No MLC can be member of Cabinet of Ministers.

Vidhan Sabha or Legislative Assembly

- Not more than 500 and not less than 60 members (an exception is the Legislative Assembly of Sikkim. It has 32 members)
- Fixed number of seats in every state.
- Different number of seats for different states
- Elected members are called Members of Legislative Assembly (MLA)
- Elected by the people of that state

Roles and Responsibilities of the state governments

State governments have separate departments for proper functioning of the state. States have jurisdiction over education, agriculture, public health, sanitation, hospitals and dispensaries and many other departments.

- **Internal security:** The state governments have to maintain the internal security, law and order in the state. Internal security is managed through state police.
- **Public order:** States have jurisdiction over police and public order
- **Education:** Providing a public education system, maintaining school buildings and colleges, employment of teachers, providing help to under privileged students all come under the education department of the state.
- **Agriculture:** The state governments have to provide support for farmers, funds for best farming practices, disease prevention and aid during disasters such as floods or droughts.
- **Finances:** State legislature handles the financial powers of the state, which include authorisation of all expenditure, taxation and borrowing by the state government. It has the power to originate money bills. It has control over taxes on entertainment and wealth, and sales tax.
- **Reservation of bills:** The state governor may reserve any bill for the consideration of the President.
- **Transport:** State government runs the rains, trams, bus and ferry services and other public transportation in the cities and towns of the States.

- **Water supply:** Water supply to cities and towns for drinking, including irrigation for farmers, is the responsibility of the State governments.
- **Budget:** State governments make budget for state.

Allocation of funds: It has the power to give funds to all its organizations like ZilaParishad, corporation, and other departments.

SECRETARIAT:

In India, every state has its own secretariat. It is the nerve centre of the state administration. It comprises of several departments of the government. The political head of a department is the minister and the administrative head of the department is the secretary. The Chief Secretary is the head of the entire secretariat while a Secretary is the head of one or two departments. The Secretary is usually a senior IAS officer, a generalist. An exception to this rule is the public works department which is headed by the Chief Engineer, a specialist. In Tamil Nadu, the secretariat is called as the chief secretariat which is situated at St.George Fort, Chennai.

Departments

Generally, the number of departments in secretariat differs from state to state. It ranges from 15 to 35 departments. The departments which are included in the Chief Secretariat in Tamil Nadu are following.

1. General Administration
2. Home
3. Finance
4. Personnel and Administrative Reforms
5. Revenue
6. Jail
7. Forest
8. Agriculture
9. Labour and Employment
10. Panchayat Raj
11. Public works
12. Education
13. Planning
14. Irrigation and Power
15. Law
16. Social Welfare

17. Housing
18. Civil supplies
19. Transport
20. Local Government
21. Excise and Taxation
22. Industries
23. Publicity and information
24. Cooperation
25. Health

Hierarchy of Personnel

The Chief Secretariat of Tamil Nadu consists of officers who are appointed for a fixed tenure. The retirement age of government servants in Tamil Nadu is 58. The secretariat consists of officers belonging to All India Service and the officers recruited by the Tamil Nadu Public Service Commission. The hierarchy of the secretariat officers in a department is following.

- Secretary
- Additional Secretary
- Joint Secretary
- Deputy Secretary
- Assistant Secretary
- Under Secretary
- Section Officer
- Assistant Section Officer
- Assistants
- Steno-Typists and Typists
- Office Assistants

Functions of Secretariat

The secretariat is a staff agency by which it has to advise the executive departments in the implementation of the public policies. Its basic function is to assist the minister in the fulfillment of his role. It performs the following functions.

1. The secretariat formulates the policies and programmes of the state government.
2. It coordinates the policies and programmes of the state government.
3. It prepares the state budget and imposes control on public expenditure.
4. It frames legislation, rules and regulations.
5. It supervises the implementation of policies and programmes by the field agencies.
6. It reviews the results of the execution of public policies.
7. It maintains contacts with the control and other state governments.
8. It takes initiative measures to develop greater organisational competence through O&M.
9. It assists the ministers in discharging their responsibilities to the legislature, like answering the questions asked by the members of the legislative Assembly.
10. It appoints the heads of departments and looks into the consequent establishment work like salary.
11. It approves the service rules and their amendments.
12. It explores the possibilities of improving the financial position of the state.
13. It serves as a think-tank of the state government.
14. It assists the chief secretary in the proper functioning of the secretariat; and
15. It receives the complaints, representations and appeals from the people and solve them.

Chief Secretary

The Chief Secretary is the executive head of the state secretariat. He is the administrative head of the state administration and stands at the apex of the hierarchy of state administration. In fact, he is the chief of the secretaries and controls all the secretariat departments. He is the senior-most civil servant in the state. He has the powers and functions mentioned in the 'Rules of Business' framed by the state government. He also receives some of his powers from conventions. He performs the following primary and other functions.

Primary Functions

1. As an advisor to the Chief Minister, the Chief Secretary explains the administrative implications of the proposals forwarded by the state ministers.
2. As secretary to the cabinet, he prepares the agenda for cabinet meetings and keeps the records of its proceedings.
3. As the head of civil service, he deals with all cases related to appointment, transfers and promotion of senior state civil servants.
4. As chief coordinator, he works towards ensuring inter departmental coordination. He is the chairman of coordination committees set up for resolving the inter-departmental disputes.
5. As the head of certain departments, he supervises and controls them; and
6. As crisis administrator, he plays a very significant role in the time of crisis like flood, drought, communal disputes, etc in the state.

Other Functions

1. The Chief Secretary acts as the residual legatee, ie, he looks after all the matters not included within the purview of other secretaries.
2. He exercises general supervision and control over the entire secretariat.
3. He acts as the secretary, by rotation, of the Zonal Council in which the state concerned is a member.
4. He has administrative control over the secretariat building, staff attached to the ministers, the secretariat library, the conservancy and ward staff of the secretariat departments.
5. He is the principal channel of communication among the state government, the central government and the other state governments.
6. He plays an important role in the administration of law and order and planning.
7. He acts as a spokesman of the state government.
8. He attends the meetings of the National Development Council.
9. He acts as the chief public relations officer of the state government; and
10. He acts as the chief advisor to the governor when president's rule is imposed in the state under Article 356 of the constitution, when the central advisors are not appointed.

Thus, the Chief Secretariat of Tamil Nadu is the nerve centre of state administration in general. As such, the Chief Secretary who is the chief of all secretaries, is the nerve system of secretariat administration in particular in the state of Tamil Nadu.

Functions of the Chief Secretary of a State:

These wide ranging activities and operations that skirt around the office of chief secretary render him the centre of gravity, a hub around which the political and administrative machinery rotates. Some of these powers and functions are enumerated in the rules of business, but most of them emanate from conventions and inter-relationships between political institutions and the people.

Broadly speaking these functions can be classified as under:

1. Adviser to the CM:

The chief secretary acts as the principal advisor to the chief minister on all matters of state administration. The chief minister consults him on all policy issues related to the governance of state. He explains to the chief minister about the administrative implications of the proposals forwarded by the state ministers.

He also serves as a link between the chief minister and other secretaries of the state government. This advisory function becomes too broad when the administrative implications of a particular policy make the CM think and revise his policy decisions. As a confidence booster and conscience keeper of the CM, the CS works on policy options in terms of their administrative viability and costs.

2. Secretary to the Cabinet:

The chief secretary acts as a secretary to the state cabinet. He is the administrative head of the cabinet secretariat and attends the meeting of the cabinet and its sub-committees. He prepares the agenda for cabinet meetings and keeps records of its proceedings. He takes steps for the implementation of the decisions taken in such meetings. He acts as the ex officio secretary to the council of ministers and while acting in this capacity, he may be called as the secretary to the cabinet.

3. Head of State Cabinet Secretariat:

The functions of the cabinet secretariat are prescribed by the Rules of Business of each state. But, in broad terms, these functions are: secretarial assistance,

implementation of decisions, policy coordination and providing information. The cabinet secretariat works under his overall control and command.

4. Resource Person of State Government:

The chief secretary is often asked to express his views on important matters. His information and advice as secretary to the council facilitate political decision-making. His administrative experience “may sway policy preferences and shift implementation consequences”. He plays a supervisory role, as a resource person in tendering advice for final decisions or for their onward transmission to the proper quarters.

5. Head of Civil Services:

The chief secretary acts as the head of the state civil services. Important cases pertaining to appointments, transfers and promotion of senior state civil servants go to his desk. He plays an important role in maintaining the morale of the civil services. As a conscience-keeper of all state civil servants he determines vacancies, appointments, transfers, placements, seniority, promotions and retirement of public servants.

He is also consulted by the chief minister in amending service rules and making appointments to senior positions. As personnel secretary, he has to ensure that conduct rules are followed and disciplinary actions are taken. The Annual Confidential Reports (ACRs) or Performance Appraisal Reports (PARs) of senior officers of all-India services posted in his state are written by him. He initiates matters involving staff welfare and service conditions of state officials and is overall in charge of training and career management of civil servants of his state.

6. Coordinator of Civil Service Efforts:

The chief secretary ensures inter departmental coordination. He advises the secretaries on inter departmental difficulties. He is the chairman of coordination committees which are set up for resolving inter departmental disputes. He presides over the meetings of the department secretaries and divisional commissioners, district collectors and the heads of departments of district administration to effect coordination. This coordination in state administration has to be between Centre and state, between administrations of various states, and between various levels of hierarchy in the state administration itself.

The Union ministries, the Planning Commission, the NDC and cabinet secretariat of the Central government operate through the office of the chief secretary. He is the formal channel of communication and informal network of consultative agencies which operate through his office. The Chief Secretaries

Conference, the zonal councils and interstate council provide him forums for inter- and intrastate level coordination.

He is an effective link to resolve interstate disputes relating to boundaries or river waters as an adviser to the CM. He is also the chairman of the Planning and Development Coordination Committees. To provide effective coordination at regional and district levels he calls conferences of senior officials like divisional commissioners, district collectors, heads of the departments and superintendents of police every year.

7. Head of Secretariat Departments:

The chief secretary may also act as an administrative head of some secretariat departments. His position varies from state to state but in most of the states, the general administration department, personnel department, planning department and administrative reforms department are kept by the chief secretary under his direct charge.

The general administration department in the state secretariat is usually under the chief minister who is concerned with sensitive matters affecting the entire business of the state government. The Administrative Reforms Commission recommended that the personnel department in all the states should be directly headed by the chief secretary.

In times of crises like flood, drought, communal disturbances and others, the chief secretary plays a significant role by providing guidance and leadership to field officers and agencies engaged in relief operations. He chairs all such committees which take high level policy decisions during crisis situations. In fact, he acts as the disaster manager and virtually represents the state government for all the officers concerned with relief operations.

8. Residual Legatee:

The chief secretary also acts as the residual legatee, that is, he looks after all those matters which do not fall within the purview of other secretaries. He acts as secretary, by rotation, of the zonal council of which the state concerned is a member and exercises general supervision and control over the entire state secretariat.

The administrative control over the secretariat building, the staff attached to the ministers, the central record branch, the secretariat library, the

conservancy and watch and ward staff of the secretariat departments vests in him. He is the principal channel of communication between his government and the Central government and other state governments and in this capacity plays a significant role in the administration of law and order and planning.

He attends the annually held chief secretaries conference presided over by the Cabinet Secretary of the Union government and acts as a spokesperson of the state government. As the chief advisor to the Governor when President's rule is imposed in the state and if the Central advisors are not appointed he runs the administration.

The CS attends the meetings of the National Development Council. In some states the chief secretary looks after the Administrative Reforms Department and monitors administrative reforms. He functions as the secretary, general administration and provides necessary facilities to departments and officers.

State Public Service Commission:

The Government of India Act, 1935 provided for the establishment of the Public Service Commission at the Provincial level known as the State Public Service Commission and the constitution of India gave it a constitutional status as autonomous bodies. The State Public Service Commissions were constituted under the provisions of the Constitution of India.

Composition State Public Service Commission (SPSC)

A State Public Service Commission (SPSC) comprises of a chairman and other members appointed by the governor of the state. One half of the appointed members of the commission should have held office for at least ten years either under the government of India or under the government of a state. The constitution has not specified the strength of the commission. The governor is empowered to determine the number of members as well as staff of the commission and their conditions of service.

The governor can appoint one of the members of the SPSC as an acting chairman if:

- (i) The office of the chairman of the commission becomes vacant; or
- (ii) The chairman of the commission is unable to perform the duties of his office due to absence or for any other reason.

Such member functions as an acting chairman till a person appointed as chairman enters on the duties of the office or till the chairman resumes his duties, as the case may be.

Tenure:

The chairman and members of the SPSC hold office for a term of six years or until they attain the age of 62 years, whichever is earlier. The members can resign in between the term by addressing their resignation to the governor.

Duties and Functions

The duties and functions of the SPSC are follows:

- (i) It conducts examinations for appointments to the services of the state.
- (ii) It is consulted on the matters below:
 - (a) All matters relating to methods of recruitment to civil services and for civil posts.
 - (b) The principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers.

All disciplinary matters affecting a person serving under the Government of India in a civil capacity, including memorials or petitions relating to such matters.
 - (c) Any claim of costs incurred by a civil servant in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his official duty.
 - (d) Any claim for the award of a pension in respect of injuries sustained by a person while serving under the Government of India and any question as to the amount of any such award.
 - (f) Any matter related to personnel management.
 - (g) It presents annually to the governor a report as to the work done by the commission.

The state legislature can confer additional functions to the SPSC relating to the services of the state. It can also extend the function of the SPSC by placing the personnel system of any local authority or other body corporate constituted by law or of any public institution under it.

The annual report of the SPSC regarding its performance is submitted to the governor. The governor then gets this report laid before the state legislature, together with a memorandum explaining the cases where the advice of the commission was not accepted and the reason for such non acceptance.

Tamil Nadu Public Service Commissions – An Overview:

Tamil Nadu Public Service Commission (TNPSC) the erstwhile Madras Service Commission came into being under an Act of the Madras Legislature in 1929. This was the first Service Commission of India. The Madras Service Commission turned in to Madras Public Service Commission in the year 1957 with its headquarters at Madras. It was in 1970, when Madras province was changed into Tamil Nadu, the Madras Public Service Commission became the Tamil Nadu Public Service Commission (TNPSC). The working of Tamil Nadu Public Service Commission (TNPSC) is regulated under Articles 16, 234, 315 to 323 of the Constitution of India, the Tamil Nadu Public Service Commission Regulation, 1954 and the TNPSC Rules of Procedure.

Functions

Under Article 320 of the Constitution of India, the Commission is, inter-alia, required to be consulted on all matters relating to recruitment to civil services and posts. The functions of the Commission under Article 320 of the Constitution are:

- Conduct examinations for appointment to the services of the State.
- Direct recruitment by selection through interviews.
- Appointment of officers on promotion / deputation / absorption.
- Framing and amendment of Recruitment Rules for various services and posts under the Government.
- Disciplinary cases relating to different Civil Services.
- Advising the Government on any matter referred to the Commission

Divisional Commissioner:

Divisional Commissioner is the administrative head of a division. The role of a Divisional Commissioner's office is to act as the supervisory head of

all the State Government Offices (except the central government offices) situated in the division. This post is equivalent to Joint Secretary to Government of India.

A Divisional Commissioner may be given the direct responsibility of supervising the revenue and development administration of a division. Officers at this post are transferred and promoted by State Governments. This post exists in many states of India. Divisional Commissioner is responsible for administration and planned development of the districts under his control and also act as “Appeal Adalat” for revenue cases. In states like U.P., Divisional Commissioner have powers over Inspector General of Police and Deputy Inspector General of Police whereas in states like Maharashtra, Divisional Commissioner only enjoys revenue powers.

Powers:

- Acts as Appellate Authority on decisions of various departments of division.
- Control over revenue administration and holds revenue courts.
- Maintenance of law and order
- Ensure proper and effective co-ordination among the various organizations of the Government and public.
- Supervise, guide and control the various offices in the division.
- Supervision of the development functions such as poverty alleviation, civil supplies, employment generation, drinking water, primary health, primary education and development of infrastructure, etc.
- Coordination and supervision over the all the departments. Of the division.
- Control over local govt.
- Financial control over preparation of budget of Development Authorities, Municipal Corporations/Councils and other departments.
- Writing of annual confidential reports of most of officers who are head of a department in Divisional or District level.
- Consolidation of various statistics for the division.
- Acts as Chairman of all development authorities in divisions.
- His approval is needed for the grant of certain types of licenses for the firearms.

Role:

The Divisional Commissioner performs a variety of roles in regional administration. Today, District Collectors are quite junior officers, needing the guidance and supervision of a seasoned administrator like the Divisional Commissioner. During the British period a member of the ICS was normally appointed a Collector of the district in his twelfth year. Today a member of the Indian Administrative Services becomes a District Collector after putting in only 5 or 6 years of service. With his insufficient administrative experience, a District Collector of today necessarily needs guidance. The Divisional Commissioners, therefore, are a necessary part of the governmental machinery.

Apart from giving expert advice, the Divisional Commissioners also provide direct communication with a large number of heads of districts. The Commissioner is a regional coordinator. Posted at the divisional level, he coordinates the work of various departments in his division in a way that no other administrative ingenuity can. The Divisional Commissioners are instruments of decentralized coordination, The activities of different departments of the Government, especially those engaged in development programmes, though varying in nature, are interlinked and there are often a number of common problems which need immediate attention and resolution. At the regional level, this coordination is brought about by the Commissioners. It is only an officer who is intimately aware of the problems of the region and the day-to-day working of different governmental departments at the regional and district levels that can effectively coordinate their working and find agreeable solutions to inter-departmental problems.

The Commissioner is the effective agency to supervise and inspect the work of district offices, both police and revenue, to enforce efficiency. The Commissioner is a necessary intermediate link between the Government and the district administration, shielding one against the other.

A channel of communication between the districts and state govt.

Regional coordinating authority for technical departments.

Provides help, guide and assistance to Deputy Commissioner

Provides expert advice to headquarters

A Divisional Commissioner is assisted by some officers for carrying out day-to-day work in various fields:-

Joint Development Commissioner

Additional Commissioners of (Judicial), (Industries), (Administration), (Excise), (Labor), (Rural Development) and other wings.

I.A.S or state civil services officers at district level reports only when ordered so by Divisional Commissioner.

On the other hand

A District Collector, often abbreviated to Collector, is the foremost Indian Administrative Service officer in charge of revenue collection and administration of a district in India. Since District Collector also have executive magisterial powers, this post is also called District Magistrate and as they work under the supervision of Divisional Commissioner this post is also known as Deputy Commissioner . The Collector is assisted by Deputy Collectors, Assistant Collectors, Sub Collectors and individual tahsildars of each taluk in the district.

Duties:

District Collectors are entrusted with a wide range of duties in the jurisdiction of the district. While the actual extent of the responsibilities varies in each State, they generally involve

As Collector:

- Land assessment
- Land acquisition
- Collection of land revenue
- Collection of income tax dues, excise duties, irrigation dues etc.
- Distribution of agricultural loans
- Disaster management during natural calamities such as floods, famines or epidemics
- Crisis management during riots or external aggression
- Chairman of the District Bankers Coordination Committee
- Head of the District Industries Centre

District Administration:

District administration is the management task of the government, with an area known as a district. It is a part of the Indian administrative service.

In India, the district is the fundamental administrative unit. It is defined as a territory set aside for special administrative purposes in some prestigious dictionaries. A district is usually called after the biggest town or city in the district's territorial region. As a result, a district is an administrative unit in the district administrative hierarchy that comprises a number of territorial areas, including villages, cities, and towns. This article will cover all the administrative structures of district administration, its function, objectives, and roles.

The District is the state's principal administrative unit. It is an administrative unit that handles the majority of the government's departments. The district is the most favourable geographic unit for concentrating the entire machinery of public administration and bringing it into close contact with the people. Outside the headquarters, most agencies of the state government have external services situated in the area. The administrative machinery in the district is made up of the actions of these departments as well as certain others that may be related to the concerns of the Central Government. There are some features of the district administrative group, which are listed below,

- The state government interacts with the people at the district level.
- District administration is fieldwork that is contrasted to staff or secretarial tasks.
- The challenges at the district level are specific to the district.
- Policy formulation concludes at the district level, and policy implementation begins.
- The District Officer is the state government's last point of contact and the "man on the ground" for any action or incident in the district.
- There is an operational aggregation of units in the district. The district is home to a considerable number of department field offices.

What are the functions of district administration?

- Law and order: The first set of functions is concerned with tranquillity and public safety. The Superintendent of Police,

who leads the district's police force, and the District Magistrate are jointly responsible for maintaining law and order.

- Land revenue: The second set of functions is concerned with revenue administration. While land administration, including the management of land records, is the most important component of this category, it also includes an assessment and collections of land revenue, as well as the collection of other public dues that are collected as arrears of land revenue.
- Development: These include education, public health, social welfare, and the welfare of underprivileged communities and groups. Each of these duties is handled by a different department in the district, which is led by a specialist officer.
- Elections: This refers to the holding of elections of parliament, the State Legislature, and local governments. The Election Commissioner is in charge of ensuring that the election process is followed correctly, from voter registration through the announcement of election results.
- Municipal administration: The District Collector is normally in charge of supervising and ensuring the proper operation of urban local authorities. The District Collector oversees the execution of different development and anti-poverty policies for the urban people.
- Emergency relief: In situations such as floods, earthquakes, accidental fires, famines, and other natural disasters, the entire district administration is prepared to meet the threat, and the DC assumes responsibility for coordinating the activities of the various departments and taking appropriate steps to relieve people's suffering.
- Along with that, it is also responsible for handling, regulatory functions, land acquisitions, census, treasuries, budgeting, transport, etc.

What is the structure of the district administration structure?

The hierarchy of administration starts from the District Collector, who is the head of the administration and is responsible for most of the duties and district administrators. Along with that, the structure of district administration is followed by

- Superintendent of Police
- District Medical Officer
- District Health Officer
- District Forest Officer
- Assistant Registrar of Cooperative Societies
- District Agricultural Officer.
- District Industries Officer
- District Judges
- Backward Class Welfare Officer
- Superintendent of Jails
- District Labour Officer
- Role of each administrator
- Deputy Commissioner

As District Collector, the Deputy Commissioner is the Chief Revenue Officer and is in charge of collecting Revenue and other government dues recoverable as Land Revenue arrears. He deals with natural disasters such as seasonal rainfall, droughts, floods, hailstorms, and fires, among others. Under the PP Act, the Deputy Commissioner acts as Divisional Commissioners and District Collectors to hear appeals against SDM orders made as Assistant Collector First Grade. The Deputy Commissioner serves as the District Election Officer for Parliamentary, Assembly, Municipal, and Panchayat elections.

The District Collector has the powers of the Registrar of Deeds under the Registration Act, and he administers and supervises the operation of registration of deeds.

Additional Deputy Commissioner

The position of Additional Deputy Commissioner was established to support the Deputy Commissioner on a daily basis. According to the rules, the Additional Deputy Commissioner has the same powers as the Deputy Commissioner. To alleviate the Deputy Commissioner's ever-increasing workload, the position of Additional Deputy Commissioner was established in 1979.

Sub-divisional magistrate

The Sub Divisional Magistrate's duties within his Sub Division are nearly identical to those of the Deputy Commissioner inside his district. He must be the Deputy Commissioner's primary agent in all administrative matters.

He is also in charge of the Sub Division's numerous development efforts and is in charge of coordinating the efforts of several departments.

Tehsildar or NaibTehsildar

Financial Commissioners appoint Tehsildars, Revenue, and NaibTehsildars are appointed by the Division Commissioner. Their responsibilities within the Tehsil or Sub Tehsil are nearly the same and varied. They have the authority of Executive Magistrate, Assistant Collector, Sub Registrar.

Kanungo

The Kanungo or ganisation is made up of field kanungo, office kanungo, and district kanungos. Its strength in each district can only be changed with the government's approval.

The term "District Administration" refers to the management of government responsibilities within an area formally recognized as a district. Rural districts, industrial districts, backward districts, urban districts, and hill districts are the five categories of districts in India.

Role and Function of District Collector:

The role played and the functions performed by the District Collector in district administration can be studied under the following heads.

Revenue Administration

Historically, collection of revenue has been the first charge (function) of the District Collector as the very title Collector signifies. He is still the head of revenue administration in the district. He is responsible for the collection of revenue to the state government through the Board of Revenue or Revenue Tribunal in Maharashtra and Gujarat or Financial Commissioner in Punjab, Haryana and Jammu & Kashmir. As the head of revenue administration in district, the Collector is responsible for the following functions:

- To collect land revenue.
- To collect other government dues.
- To distribute and recover taccavi loans.
- To maintain land records.
- To collect rural statistics.
- To exercise the power of land acquisition officer, that is, acquiring land for the purpose of colonisation, industry, slum clearance, capital construction and so on.
- To implement land reforms.
- To look after the welfare of the agriculturists.

- To make an assessment of losses of crops and recommend relief during natural calamities like fire, drought and flood.
- To supervise treasury and sub-treasury.
- To enforce Stamp Act.
- To pay rehabilitation grant.
- To manage government estates.
- To hear revenue appeals against the orders of lower authorities.
- To pay Zamindari abolition compensation.

Law and Order Administration

The maintenance of law and order in district is the principal duty of the District Collector. Before Independence, the District Collector acted as both, the Executive Magistrate and the Judicial Magistrate. As an Executive Magistrate, he was responsible for the maintenance of law and order and as a Judicial Magistrate, he was responsible for the trial of criminal and civil cases by interpreting the laws. After Independence, the judiciary has been separated from the executive in accordance with Article 50 of the Directive Principles of State Policy of the Indian Constitution. As a consequence, the role of Collector as a judicial magistrate came to an end. This function has been handed over to a new functionary called the district judge who works under the direct control of the State High Court.

The District Collector in his capacity as the district magistrate (i.e. executive magistrate) is ultimately responsible for the maintenance of law and order in the district. For this purpose, the district police force headed by the District Superintendent of Police is kept under the control, supervision and direction of the district magistrate. The Indian Police Act of 1861 vests the police administration of the district in the District Superintendent of Police under the control of the district magistrate. Thus there is a system of dual control of law and order administration in the district, that is, control by the district magistrate and control by the departmental line headed by the DirectorGeneral of Police.

The District Collector in his capacity as the district magistrate performs the following functions:

- To control and supervise the subordinate magistracy.

- To issue orders when there is threat to public peace and order under section 144 of the Criminal Procedure Code.
- To dispose all the petitions received from the government and others.
- To release prisoners on parole.
- To inspect the jails.
- To submit an annual criminal report to the government.
- To grant, suspend or cancel many kinds of licenses like arms, hotel, explosives, petroleum
- And others.
- To grant superior classes to prisoners.
- To supervise and control local bodies.
- To control and direct the action of district police.
- To enforce Entertainment Tax Act, and Press Act.
- To call the armed forces to aid and assist the civil administration to deal with any abnormal
- Situation in the district.
- To prosecute offenders under the Factories Act and Trademark Act.
- To order disposal of unclaimed property.
- To recommend schemes for the development of forests.

Development Administration

Before Independence, the developmental role of a Collector was, not that important as British India was a 'police state' concerned mainly with the regulatory administration. After Independence and with the initiation of development planning strategy, the developmental role of a Collector became significant. He has become a pivotal figure in the implementation of development programmes. However, the position in this regard is not same in all the states. Broadly, there have emerged two distinct patterns of development administration in the district. One is the Tamilnadu, Rajasthan and other states' pattern and the other is the Maharashtra and Gujarat Pattern.

In the first pattern the Collector is made responsible both for regulatory and development administration. As such, he looks after revenue, magisterial and developmental activities in these states. All the district level officers engaged in the implementation of development programmes function under the

supervision, guidance and leadership of the Collector. Even though, in technical matters they function under the control and supervision of their respective departments, in the actual implementation of their development programmes they are placed under the administrative control of the District Collector. In many states, the Collector is also designated as the District Development Officer and is authorised to write the Annual Confidential Report of the District level officers engaged in the development administration.

In the second pattern found in Maharashtra and Gujarat, the Collector is made responsible only for regulatory administration. The development administration in these states is made the responsibility of the ZilaParishad. All the District level officers engaged in the implementation of development programmes function under the administrative control and supervision of the ZilaParishad. For this purpose, the ZilaParishad has appointed the District Development Officer (or chief executive officer) who also belongs to the IAS. By this arrangement, the Collector is relieved of his responsibility in the developmental field.

An important dimension of the role of the Collector in the developmental field is his association with the District Rural Development Agency (DRDA). It should be noted here that the chief role of a Collector in the field of development administration is that of coordination—coordinating the activities of district level officers engaged in the implementation of development programmes.

However, the 73rd Constitutional Amendment Act of 1992 and the consequent Panchayati Raj Acts of 1993 and 1994 of various states have reduced the role of Collector in development administration.

Other Powers and Functions

In addition to the above, the Collector also performs the following functions:

- He acts as the Returning Officer for elections to parliamentary and state assembly
- Constituencies. Hence, he coordinates the election work at the district level.
- He acts as the District Census officer. Hence, he conducts the census operations once in ten years.

- He acts as the Chief Protocol Officer in a district.
- He presides over the District Plan Implementation Committee.
- He acts as the official representative of the state government during ceremonial functions in the district.
- He acts as a kind of buffer between citizens and administration in the district.
- He supervises the municipal administration in the district.
- He acts as the Public Relations Officer of the government.
- He acts as the crisis administrator-in-chief during natural calamities and other emergencies.
- As a head of district administration, he deals with personnel matters of the district staff.
- He is responsible for civil supplies—food and other essential commodities.
- He handles work pertaining to civil defence.
- He maintains liaison with military authorities and looks after the welfare of both serving and
- Retired members of the armed forces.

LAW AND ORDER:

MANAGING LAW AND ORDER IN THE COUNTRY

‘Police’ and ‘Public Order’ are State subjects under the Seventh Schedule to the Constitution of India and therefore, it is the primary duty of the State Governments to prevent, detect, register and investigate crime and prosecute the criminals. Central Government, however, supplements the efforts of the State Governments by providing them financial assistance for modernization of their Police Forces in terms of weaponry, communication, equipment, mobility, training and other infrastructure under the Scheme of Modernization of State Police Forces. Further, intelligence inputs are regularly shared by the Central Security and Intelligence Agencies with the State Law Enforcement Agencies to prevent crime and law and order related incidents.

The National Crime Records Bureau (NCRB), a nodal agency under the Ministry of Home Affairs, is engaged in the process of collecting, compiling and analysing the crime statistics with a view to help the States to evolve appropriate strategies for better prevention and control of crime. Further, the Bureau has established computerized systems at every District Crime Records

Bureau (DCRB) and State Crime Records Bureau (SCRB), across the country, under a project viz., 'Crime Criminal Information system (CCIS)'. This system maintains a National – level Database of Crimes, Criminals and Property connected / involved in crime with the objective of helping the law enforcement agencies in prevention and detection of crime and improving service delivery mechanisms. In order to effectively deal with the menace of organized crime, another system, viz., Organized Crime Information System (OCIS) is being put in place under the guidance of NCRB.

National Police Commission

The National Police Commission, was established in 1977. It has been the most significant attempt to change India's police system. To know more, continue reading.

Functions and Responsibilities of National Police Commission NPC

The National Police Commission India (NPC) was established with broad mandates with an aim to cover the police organisation, its functions, responsibility, roles, connection with the citizens, political meddling in its work, abuse of power, and performance evaluation. The NPC was established with great hopes in exceptional circumstances as the first national commission after India's independence.

After the 1977 national elections, the NPC was commissioned by the Janata Party and brought into effect by the Congress Party. Throughout this time, this public administration was being used for political gain. From 1979 to 1981, the Commission issued eight reports proposing extensive reforms to the existing Police structure.

Reasons for the National Police Commission (NPC)

On November 15, 1977, the National Police Commission India was formed with an aim to improve the role and duties of the police. On November 26, 1977, Shri C.V. Narasimhan took over as Member Secretary of the Commission. Its goal was to investigate police issues and develop a thorough national review of the police system. The commission's terms of the rules and regulations were exceptional, touching on most facets of police enforcement.

Reports of NPC

The NPC proposed a total of eight reports. Here is everything you need to know about them:

First Report

The first report of the national police commission covers Complaints about police officers. Any setup for reporting concerns against police must be deemed fair by the police and the public administration. As a result, the Commission proposed provisions that included investigations undertaken by departmental officials, including the services of an independent jurisdiction outside of the police. In addition, the Commission recommended mandatory judicial inquiry for some severe complaints and allegations of police officials, including:

- Death or severe hurt to a person in police custody.
- Rape of a woman in the police custody
- Death of more than two individuals due to police firing with dispersing of unlawful gatherings and assemblies

Second Report

The Appointment of the Criminal Justice Commission is discussed in the Second Report. As per the NPC, the officers cannot accomplish successful results in their work until all wings of the criminal justice system work effectively at the same time.

As a result, it is necessary to establish a body that would exhaustively evaluate the progress of all departments and implement remedial steps as needed. The report discusses policy responsibilities, political interventions, transfer and suspension orders, and chief police selections.

Third Report

The third report makes recommendations for the police concerning the weaker sections of society. The NPC has suggested that a special investigation department be established in the police force to track the performance of investigations into cases under the Protection of Civil Rights Act and other atrocities against Tribes and Scheduled Caste in this report. The two integral points under this report are:

- Prevention of the possible breaching of public peace and law resulting from the no-action against the alleged complaint about any non-cognizable offence
- To provide adequate protection to the people of a weaker section from injustice and exploitation
- Fourth Report

- The National Police Commission's fourth report includes the FIR registration, even if the crime has taken place outside the respective jurisdiction or not.
- If required, the FIR reports can further be transferred to the concerned police station
- It is necessary to report the statements of the witnesses and use them as a mandatory record in any investigation
- Returning the stolen property to the victims and empowerment to investigate the simplified cases in the form of compound cases have a special mention in the fourth report of NPC
- In the fourth report of the NPC, the intimation for arrest, attendance of a witness, controlled regulations for using third-degree methods, and regular court inspections are the primary notified aspects.

Fifth Report

- This report declares that the recruitment of police officers including constables, to the officers of the Indian Police Services (IPS), must comprise a two-level procedure.
- In the recruitment process, the psychological testing of the candidates is mandatory at each level
- In addition to this, the regular evaluation of the physical training of the selected candidates is necessary
- The report also states that the role and responsibilities of the district magistrate as a chief coordinating authority is to control and direct each activity of police activity in the specific jurisdiction. The reinforcement and inclusion of women's police authorities in a complex investigation are mentioned in the fifth report of NPC. The fifth report also mentions mandatory transparency in all the police activities except certain secret operations and judicial requirements.

Sixth Report

The National Police Commission of India's sixth report mentions assessing officers' promotion in constant intervals and establishing IPS cadres in paramilitary and other associated organizations. The sixth report notes the police Commissionerate system for specific locations and withdrawal of the trail of certain heinous cases to prevent communal riots should be discouraged in certain situations. It also mentions prior reservations for minorities and weaker sections in the police force to strengthen their position in society.

Seventh Report

The seventh report mentions the standards and norms of the police station regarding its jurisdiction. The report also mentions the establishment of the Central police Committee, enactment of regulatory laws for armed police forces, and structuring all Indian Police institutes.

Eighth Report

- The final report mentions the accountability of the police officials and the withdrawal of protection under specific acts. It elaborates the enactment of the model police act and detailed guidelines for the police to meet requirements.
- Functions and Responsibilities of National Police Commission (NPC)
- The following are the powers and functions of the National Police Service Commission:
 - Recruiting and appointing people to hold or act in positions in the police force
 - Verify appointments and make decisions about transfers and promotions within the NPC
 - Undertake any other duties mandated by national legislation
 - Maintain disciplinary control and eliminate individuals holding or responding in positions within the service while adhering to due process
 - To investigate police discrepancies and unevenness, as well as to supervise police entrance exams
- The commission's guidelines were remarkable, striking on all the perspective of police tactics. The main purpose behind the formation of the NCP was to eliminate the shortcomings and political interferences in the policing system of India. Whether it has done its job or not, only time will tell.

UNIT V

Municipal Corporation in India

The urban local government which works for the development of any Metropolitan City with a population of more than one million is known as the Municipal Corporation in India. The members of the Municipal Corporation are directly elected by the people and are called Councillors.

About Municipal Corporation in India

Municipal Corporations are local level governments in India. It's also called as MahanagarPalika, Nagar Palika, Nagar Nigam, City Corporation, etc. A city is administered by a Municipal Corporation if the population of that city exceeds one billion. Municipal Corporations are largely dependent on the property tax collected for their revenue. The other sources of revenue include water tax, professional tax, drainage tax, etc and some fixed aid from the state government. Mumbai Municipal Corporation or Brihanmumbai Municipal Corporation is the richest Municipal Corporation in India. Its budget exceeds than that of some of the smaller states of India.

Composition of the Municipal Corporation

Based on the population of that particular city, the city or Municipal Area is divided into certain wards. A representative is chosen for each ward by the people in that ward. A chosen representative of a particular ward is called as councilor or corporator. Corporators are elected for a period of five years.

Administration

Any party winning more than half the total seats of Municipal Corporation wins the election. The winning party gets to have its mayor in the Municipal Corporation. A mayor is the ceremonial head while the administrative head is the Municipal Commissioner. Municipal Commissioner is appointed by the state government who is an IAS office. The job of the Municipal commissioner is to implement the policies of the Municipal corporation and preparation of the budget. Whereas, the mayor assumed a political role.

Functions of the Municipal Corporation

- Urban planning including town planning.
- Regulation of land-use and construction of buildings.
- Planning for economic and social development
- Water supply for domestic, industrial and commercial purposes.
- Public health, sanitation conservancy, and solid waste management.
- Fire services.
- Urban forestry, protection of the environment and promotion of ecological aspects.
- Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
- Slum improvement and up-gradation.
- Urban poverty alleviation.

Who are the members of a Municipal Corporation

The Municipal Corporation consists of a committee which includes a Mayor with Councillors. The Corporations provide necessary community services to the Metropolitan Cities and are formed under the Corporation Act of 1835 of Panchayati Raj system. The Mayor heads the Municipal Corporation. The corporation remains under the charge of Municipal Commissioner. The Executive Officers along with the Mayor and Councillors monitor and implement the programs related to planning the development of the corporation. The number of Councillors also depends upon the area and population of the city. In India, the four metropolitan cities; Delhi, Mumbai, Kolkata and Chennai, have the largest corporations.

Who conducts Municipal Corporation Elections

The elections to the Municipal Corporations are conducted under the guidance, direction, superintendence and control of the State Election Commission. The corporations fall under the State government jurisdiction, therefore there are no uniform provisions for the election of the municipal bodies. In some States, the elections are organised by the state governments, while in some states, the Executive Officers arrange the same.

How are Municipal Corporation Elections conducted?

The members of the Municipal Corporation are elected by the people through direct elections. The elections are held for a particular ward in the city. The electoral roll of a particular ward elects the representative or Councillor for their ward. The electoral roll for each ward is divided into one or several parts depending upon the area within the ward where the voters of each part reside. This means that the voters included in each part belong to a street or a road or a named area within that ward. The voters from all the parts together form the electoral roll of a particular ward.

Qualification for contesting Municipal Corporation elections

A person can contest elections for Municipal Corporation if he/she fulfills the following criteria:

- She/he must be a citizen of India
- She/he must have attained the age of 21 years
- His/her name is registered in the Electoral Roll of a ward
- She/he is not earlier disqualified for contesting Municipal Corporation elections.
- She/he must not be an employee of any Municipal Corporation in India

There are few seats which are reserved for scheduled tribes, scheduled castes, backward classes and women. Every candidate's nomination form should have a declaration stating the class, caste, or tribe that she/he belongs to. There should be a declaration that the candidate is a woman, in case the seat is reserved for a women candidate.

The Term of a Municipal Corporation

The office of Municipal Corporation runs for a period of five years since the beginning of its first meeting. It is subject to dissolution under various circumstances:

- If the State finds the Corporation lagging in its duties
- If the State finds the corporation exceeding or abusing its power
- Declaration of the Municipal elections in the State as void, or withdrawal of the entire area of the ward from the municipal operations.

Roles and Duties of a Councillor

The Councillors under the Municipal Corporations perform the following duties:

- To work towards the welfare and interests of the municipality as a whole.
- To participate in the council meetings, council committee meetings and meetings of other related bodies.
- To participate in developing and evaluating the programs and policies of the municipality
- To keep the privately discussed matters in council meetings in confidence.
- To get all the information from the chief administrative officer about the operation and administration of the municipality.
- To perform any other similar or necessary duties.

Municipalities

ARTICLE 243W

Powers, authority and responsibilities of Municipalities

1. Urban planning including town planning.
2. Regulation of land-use and construction of buildings.
3. Planning for economic and social development.
4. Roads and bridges.
5. Water supply for domestic, industrial and, commercial purposes.
6. Public health, sanitation conservancy and solid waste management.
7. Fire services.
8. Urban forestry protection of the environment. And promotion of ecological aspects.
9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.

10. Slum improvement and upgradation.
11. Urban poverty alleviation.
12. Provision of urban amenities and facilities such as parks, gardens, play-grounds.

13. Promotion of cultural, educational and aesthetic aspects.
14. Burials and burial grounds; cremations, cremation grounds and electric crematoriums.
15. Cattle ponds; prevention of cruelty to animals.
16. Vital statistics including registration of births and deaths.
17. Public amenities including street lighting, parking lots, bus stops and public conveniences.
18. Regulation of slaughter houses and tanneries.

Panchayati Raj:

Introduction to Panchayati Raj

Rural development is one of the main objectives of Panchayati Raj and this has been established in all states of India except Nagaland, Meghalaya and Mizoram, in all Union Territories except Delhi. And certain other areas. These areas include:

The scheduled areas and the tribal areas in the states

The hill area of Manipur for which a district council exists and

Darjeeling district of West Bengal for which Darjeeling Gorkha Hill Council exists

Evolution of Panchayati Raj

The Panchayati system in India is not purely a post-independence phenomenon. In fact, the dominant political institution in rural India has been the village panchayat for centuries. In ancient India, panchayats were usually elected councils with executive and judicial powers. Foreign domination, especially Mughal and British, and the natural and forced socio-economic changes had undermined the importance of the village panchayats. In the pre-independence period, however, the panchayats were instruments for the dominance of the upper castes over the rest of the village, which furthered the divide based on either the socio-economic status or the caste hierarchy.

The evolution of the Panchayati Raj System, however, got a fillip after the attainment of independence after the drafting of the Constitution. The Constitution of India in Article 40 enjoined: “The state shall take steps to

organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government". There were a number of committees appointed by the Government of India to study the implementation of self-government at the rural level and also recommend steps in achieving this goal.

The committees appointed are as follows:

Balwant Rai Mehta Committee

Ashok Mehta Committee

G V K Rao Committee

L M Singhvi Committee

Balwant Rai Mehta Committee & Panchayati Raj

The committee was appointed in 1957, to examine and suggest measures for better working of the Community Development Programme and the National Extension Service. The committee suggested the establishment of a democratic decentralised local government which came to be known as the Panchayati Raj.

Recommendations by the Committee:

Three-tier Panchayati Raj system: Gram Panchayat, Panchayat Samiti and Zila Parishad.

Directly elected representatives to constitute the gram panchayat and indirectly elected representatives to constitute the Panchayat Samiti and Zila Parishad.

Planning and development are the primary objectives of the Panchayati Raj system.

Panchayat Samiti should be the executive body and Zila Parishad will act as the advisory and supervisory body.

District Collector to be made the chairman of the Zila Parishad.

It also requested for provisioning resources so as to help them discharge their duties and responsibilities.

The Balwant Rai Mehta Committee further revitalised the development of panchayats in the country, the report recommended that the Panchayati Raj institutions can play a substantial role in community development programmes throughout the country. The objective of the Panchayats thus was the democratic decentralisation through the effective participation of locals with the help of well-planned programmes. Even the then Prime Minister of India, Pandit Jawaharlal Nehru, defended the panchayat system by saying, “. . . authority and power must be given to the people in the villages Let us give power to the panchayats.”

Ashok Mehta Committee &Panchayat Raj

The committee was appointed in 1977 to suggest measures to revive and strengthen the declining Panchayat Raj system in India.

The key recommendations are:

- The three-tier system should be replaced with a two-tier system: ZilaParishad (district level) and the Mandal Panchayat (a group of villages).
- District level as the first level of supervision after the state level.
- ZilaParishad should be the executive body and responsible for planning at the district level.
- The institutions (ZilaParishad and the Mandal Panchayat) to have compulsory taxation powers to mobilize their own financial resources.

G V K Rao Committee &Panchayat Raj

The committee was appointed by the planning commission in 1985. It recognised that development was not seen at the grassroot level due to bureaucratisation resulting in Panchayat Raj institutions being addressed as ‘grass without roots’. Hence, it made some key recommendations which are as follows:

- ZilaParishad to be the most important body in the scheme of democratic decentralisation. ZilaParishad to be the principal body to manage the developmental programmes at the district level.
- The district and the lower levels of the Panchayati Raj system to be assigned with specific planning, implementation and monitoring of the rural developmental programmes.

- Post of District Development Commissioner to be created. He will be the chief executive officer of the Zila Parishad.
- Elections to the levels of Panchayati Raj systems should be held regularly.

L M Singhvi Committee & Panchayati Raj

The committee was appointed by the Government of India in 1986 with the main objective to recommend steps to revitalise the Panchayati Raj systems for democracy and development. The following recommendations were made by the committee:

- The committee recommended that the Panchayati Raj systems should be constitutionally recognised. It also recommended constitutional provisions to recognise free and fair elections for the Panchayati Raj systems.
- The committee recommended reorganisation of villages to make the gram panchayat more viable.
- It recommended that village panchayats should have more finances for their activities.
- Judicial tribunals to be set up in each state to adjudicate matters relating to the elections to the Panchayati Raj institutions and other matters relating to their functioning.
- All these things further the argument that panchayats can be very effective in identifying and solving local problems, involve the people in the villages in the developmental activities, improve the communication between different levels at which politics operates, develop leadership skills and in short help the basic development in the states without making too many structural changes. Rajasthan and Andhra Pradesh were the first to adopt Panchayati raj in 1959, other states followed them later.
- Though there are variations among states, there are some features that are common. In most of the states, for example, a three-tier structure including panchayats at the village level, panchayat samitis at the block level and the zilaparishads at the district level has been institutionalized. Due to the sustained effort of the civil society organisations, intellectuals and progressive political leaders, the Parliament passed two amendments to the Constitution – the 73rd Constitution Amendment for rural local bodies (panchayats) and the 74th Constitution Amendment for urban local

bodies (municipalities) making them ‘institutions of self-government’. Within a year all the states passed their own acts in conformity to the amended constitutional provisions.

73rd Constitutional Amendment Act of 1992

Significance of the Act

- The Act added Part IX to the Constitution, “The Panchayats” and also added the Eleventh Schedule which consists of the 29 functional items of the panchayats.
- Part IX of the Constitution contains Article 243 to Article 243 O.
- The Amendment Act provides shape to Article 40 of the Constitution, (directive principles of state policy), which directs the state to organise the village panchayats and provide them powers and authority so that they can function as self-government.
- With the Act, Panchayati Raj systems come under the purview of the justiciable part of the Constitution and mandates states to adopt the system. Further, the election process in the Panchayati Raj institutions will be held independent of the state government’s will.
- The Act has two parts: compulsory and voluntary. Compulsory provisions must be added to state laws, which includes the creation of the new Panchayati Raj systems. Voluntary provisions, on the other hand, is the discretion of the state government.
- The Act is a very significant step in creating democratic institutions at the grassroots level in the country. The Act has transformed the representative democracy into participatory democracy.

Salient Features of the Act

- Gram Sabha: Gram Sabha is the primary body of the Panchayati Raj system. It is a village assembly consisting of all the registered voters within the area of the panchayat. It will exercise powers and perform such functions as determined by the state legislature. Candidates can refer to the functions of gram panchayat and gram panchayat work.
- Three-tier system: The Act provides for the establishment of the three-tier system of Panchayati Raj in the states (village, intermediate and district

level). States with a population of less than 20 lakhs may not constitute the intermediate level.

- Election of members and chairperson: The members to all the levels of the Panchayati Raj are elected directly and the chairpersons to the intermediate and the district level are elected indirectly from the elected members and at the village level the Chairperson is elected as determined by the state government.

Reservation of seats:

For SC and ST: Reservation to be provided at all the three tiers in accordance with their population percentage.

For women: Not less than one-third of the total number of seats to be reserved for women, further not less than one-third of the total number of offices for chairperson at all levels of the panchayat to be reserved for women.

The state legislatures are also given the provision to decide on the reservation of seats in any level of panchayat or office of chairperson in favour of backward classes.

Duration of Panchayat: The Act provides for a five-year term of office to all the levels of the panchayat. However, the panchayat can be dissolved before the completion of its term. But fresh elections to constitute the new panchayat shall be completed –

Before the expiry of its five-year duration.

In case of dissolution, before the expiry of a period of six months from the date of its dissolution.

Disqualification: A person shall be disqualified for being chosen as or for being a member of panchayat if he is so disqualified –

Under any law for the time being in force for the purpose of elections to the legislature of the state concerned.

Under any law made by the state legislature. However, no person shall be disqualified on the ground that he is less than 25 years of age if he has attained the age of 21 years.

Further, all questions relating to disqualification shall be referred to an authority determined by the state legislatures.

State election commission:

The commission is responsible for superintendence, direction and control of the preparation of electoral rolls and conducting elections for the panchayat.

The state legislature may make provisions with respect to all matters relating to elections to the panchayats.

Powers and Functions: The state legislature may endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government. Such a scheme may contain provisions related to Gram Panchayat work with respect to:

The preparation of plans for economic development and social justice.

The implementation of schemes for economic development and social justice as may be entrusted to them, including those in relation to the 29 matters listed in the Eleventh Schedule.

Finances: The state legislature may –

Authorize a panchayat to levy, collect and appropriate taxes, duties, tolls and fees.

Assign to a panchayat taxes, duties, tolls and fees levied and collected by the state government.

Provide for making grants-in-aid to the panchayats from the consolidated fund of the state.

Provide for the constitution of funds for crediting all money of the panchayats.

Finance Commission: The state finance commission reviews the financial position of the panchayats and provides recommendations for the necessary steps to be taken to supplement resources to the panchayat.

Audit of Accounts: State legislature may make provisions for the maintenance and audit of panchayat accounts.

Application to Union Territories: The President may direct the provisions of the Act to be applied on any union territory subject to exceptions and modifications he specifies.

Exempted states and areas: The Act does not apply to the states of Nagaland, Meghalaya and Mizoram and certain other areas. These areas include,

The scheduled areas and the tribal areas in the states

The hill area of Manipur for which a district council exists

Darjeeling district of West Bengal for which Darjeeling Gorkha Hill Council exists.

However, Parliament can extend this part to these areas subject to the exception and modification it specifies. Thus, the PESA Act was enacted.

Continuance of existing law: All the state laws relating to panchayats shall continue to be in force until the expiry of one year from the commencement of this Act. In other words, the states have to adopt the new Panchayati raj system based on this Act within the maximum period of one year from 24 April 1993, which was the date of the commencement of this Act. However, all the Panchayats existing immediately before the commencement of the Act shall continue till the expiry of their term, unless dissolved by the state legislature sooner.

Bar to interference by courts: The Act bars the courts from interfering in the electoral matters of panchayats. It declares that the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies cannot be questioned in any court. It further lays down that no election to any panchayat is to be questioned except by an election petition presented to such authority and in such manner as provided by the state legislature.

PESA Act of 1996

The provisions of Part IX are not applicable to the Fifth Schedule areas. The Parliament can extend this Part to such areas with modifications and exceptions as it may specify. Under these provisions, Parliament enacted Provisions of the Panchayats (Extension to the Scheduled Areas) Act, popularly known as PESA Act or the extension act.

Objectives of the PESA Act:

- To extend the provisions of Part IX to the scheduled areas.
- To provide self-rule for the tribal population.
- To have village governance with participatory democracy.
- To evolve participatory governance consistent with the traditional practices.
- To preserve and safeguard traditions and customs of tribal population.
- To empower panchayats with powers conducive to tribal requirements.
- To prevent panchayats at a higher level from assuming powers and authority of panchayats at a lower level.

As a result of these constitutional steps taken by the union and state governments, India has moved towards what has been described as ‘multi-level federalism’, and more significantly, it has widened the democratic base of the Indian polity. Before the amendments, the Indian democratic structure through elected representatives was restricted to the two houses of Parliament, state assemblies and certain union territories. The system has brought governance and issue redressal to the grassroot levels in the country but there are other issues too. These issues, if addressed, will go a long way in creating an environment where some of the basic human rights are respected.

After the new generation of panchayats had started functioning, several issues have come to the fore, which have a bearing on human rights. The important factor which has contributed to the human rights situation vis-à-vis the panchayat system is the nature of Indian society, which of course determines the nature of the state. Indian society is known for its inequality, social hierarchy and the rich and poor divide. The social hierarchy is the result of the caste system, which is unique to India. Therefore, caste and class are the two factors, which deserve attention in this context.

Thus, the local governance system has challenged the age old practices of hierarchy in the rural areas of the country particularly those related to caste, religion and discrimination against women.

The Panchayati Raj system constitutes an integral part of the IAS prelims and UPSC mains syllabus. Aspirants preparing for the upcoming CSE must be aware of the administrative set in the country.

Balwant Rai Mehta was a parliamentarian who is credited for pioneering the concept of the Panchayati Raj in India and was also known as the 'Father of Panchayati Raj'.

The importance of Panchayat Raj

Panchayat Raj institutes village local government that plays a significant role in the development of villages especially in areas like primary education, health, agricultural developments, women and child development and women participation in local government, etc

The features of Panchayat Raj

Gram Sabha: Gram Sabha is the primary body of the Panchayat Raj system. It is a village assembly consisting of all the registered voters within the area of the panchayat.

Three Tier System: village, intermediate and district levels.

Election of members and chairperson: The members to all the levels of the Panchayati Raj are elected directly and the chairpersons to the intermediate and the district levels are elected indirectly.

Structure Panchayati Raj System:

Though, taking note from the Gandhian philosophy of Gram Swaraj, Government of India brought Panchayat Raj System in 1957. However in 1992, the 73rd amendment to the Constitution of India gave a constitutional power, structured a three-tier Panchayat Raj system in the country. According to the constitutional structure, the three tiers are; Zila Parishad at district level headed by a Zila Parishad chairperson; Panchayat Samiti at block level headed by a Panchayat Samiti chairperson and Gram Panchayat at village level headed by a Panchayat Mukhiya or a Sarpanch, varies in states.

Strengthening the democratic process at the village level, the fundamental objective of this local governance system is to implement rural development projects as per the need of the local community and being implemented by the community. The citizens within the Gram Panchayats directly elect the representatives at the Panchayati Raj Institutions (PRIs), from village level to block level to district levels. The village community puts up their development needs in front of the Gram Sabha at Gram Panchayat level. After discussions,

the need based development projects are implemented in the villages. In other ways, Gram Panchayats function as a local government at the village level.

Functioning as a local body in rural India, each Gram Panchayat is represented by one Panchayat Mukhiya, one Sarpanch, one Panchayat Samiti member along with ward members, directly elected by the persons above 18 years of age in the Gram Panchayat. There are 250,000 Gram Panchayats, 6,300 Panchayat Samitis (block panchayats) and nearly 600 ZilaParishads (district panchayats or councils) functioning in the country.

Gram Sabha:

Composition of the Gram Sabha

All the people included in the electoral rolls of a village shall be the members of the Gram Sabha of that village.

Declaration of Village

- (1) In conformity with the provision of Section 4 (b) of PESA Act, a village shall consist of a habitation or a group of habitations, or a hamlet or a group of hamlets, comprising a community and managing its affairs in accordance with its traditions and customs.
- (2) If the people of any habitation are of the opinion that their habitation should be recorded as a village, and is not so recorded, they may pass a resolution to this effect and forward it to the Sub-Divisional Magistrate (SDM).
- (3) The SDM will enquire into the merits of the resolution. In case of favorable outcome of the inquiry, the habitation shall be notified as a village.

Gram Panchayat to be the Executive Committee of Gram Sabha

- (1) The Gram Panchayat shall be deemed to be the Executive Committee of the Gram Sabha.
- (2) The Gram Panchayat shall function under the general superintendence, control and direction of the Gram Sabha.

Secretary, office, etc. of Gram Sabha

- (1) The Secretary of the Gram Panchayat will be deemed to be the Secretary of the Gram Sabha. In a situation where there are more than one Gram

Sabhas in a Gram Panchayat, the Secretary of the Gram Panchayat will be the Secretary of all the Gram Sabhas.

- (2) The Gram Sabha may appoint an Assistant-Secretary from its members apart from the Secretary. But the Assistant Secretary will not be entitled to any pay, honorarium etc. He or she will execute his duties honorarily.
- (3) The duties of the Assistant Secretary will be to help the Secretary and work in collaboration with him. In the absence of the Secretary, the Assistant Secretary will discharge the duties on his behalf
- (4) The office of the Gram Panchayat will be the office of the Gram Sabha. If there is more than one Gram Sabha in a Gram Panchayat, apart from the headquarter of the Gram Panchayat, each Gram Sabha will have its own office in its village, such as the house of an ordinary person. Rent will not be paid in any form for this office.

Gram Sabha meetings to be in public

- (1) Every meeting or proceeding of the Gram Sabha will be conducted in public,
- (2) Even if a meeting of the Gram Sabha is to be held in a closed building, there will not be any provision of closing the doors or prohibiting entry.

Method of taking decisions

- (1) As far as possible, the working of the Gram Sabha will be done with consensus.
- (2) In the condition of non-consensus on any issue in a meeting, that matter will be discussed in the meeting to be held after one week or later, as decided by the Gram Sabha.
- (3) If there is no consensus in the second meeting also, a decision will be taken on the basis of a majority. But there is a compulsion of quorum in such meetings. In the absence of quorum the matter will be considered void. The issue may subsequently be decided by a majority whenever the quorum is completed.

Date and time of meetings of Gram Sabha

- (1) Gram Sabha will hold a meeting at least once in two months. The Gram Sabha may decide a fixed date (means English date, Indian date or the day of the week), time and place of the meeting permanently. In such a

case there would be no need to provide any type of information for specific meetings.

- (2) However, if the Gram Sabha decides to fix each meeting separately, or decides to hold a meeting on a particular day, within three days of the decision, an announcement will be made in the whole village.

Proceedings of the meeting of Gram Sabha

- (1) A chairperson will be selected for the meeting of the Gram Sabha for one year. From the members present, only a member of Scheduled Tribe will be so selected. Provided that in villages where the population of Scheduled Tribes is less than 10%, a chairperson may be selected from among persons who do not belong to the Scheduled Tribes. Provided further that no Sarpanch or Panch of the Panchayat shall be eligible to act as the chairperson of the Gram Sabha.
- (2) Selection of chairperson will be done with consensus to the extent possible. In the case of non-consensus, amongst the members present, the oldest lady from the Scheduled Tribes would be the chairperson.
- (3) In case the Gram Sabha is not satisfied with the performance of the chairperson, it will have the right to recall him/her by a simple majority and select a new chairperson.
- (4) The quorum of the meeting of the Gram Sabha will be one fifth of the total members. There shall be a separate quorum for women, which will be one third of the general quorum.
- (5) In the absence of the quorum, the meeting would be considered postponed. But the amongst the present members may decide to hold a meeting within a week. The quorum will be necessary even in the postponed meeting.
- (6) A detailed statement of the complete record of income, expenditure of the last month, muster roll of workers, sale and purchase will be produced in the meeting of the Gram Sabha. The quality of the works undertaken may be discussed and necessary action taken as per the decisions of the Gram Sabha to improve the situation.
- (7) While concluding the meeting, a brief statement of the decisions taken in the Gram Sabha will be prepared by the Secretary/Additional Secretary and in their absence, a person nominated by the Gram Sabha. That

statement will be read out in the meeting. After a consensus upon the correctness of the statement, the Chairperson, Secretary or the writer will sign or put a mark. In the case of disposal of disputes, the members of the judicial committee will sign or stamp that statement.

Presence in Gram Sabha:

The Gram Sabha can ensure the mandatory presence of at least one member from every family of the village for the execution of its works. The concerned family may be penalized if the member is absent without proper reason.

Special meeting of Gram Sabha:

(1) Apart from its regular meetings, in the following circumstances special meetings of the Gram Sabha may be held:

- (i) If it is so decided in the general meeting of the Gram Sabha,
- (ii) If there is a proposal in the Panchayat which needs to be considered by the Gram Sabha,
- (iii) If an officer requests the Sarpanch,
- (iv) On the basis of the written information given to the Secretary by at least 5 percent of total members of Gram Sabha or 25 members, whichever is more.

(2) Except in situation (i), the Secretary will call for a meeting within seven days after consulting the Sarpanch, and public information thereof will be given in the village 3 days prior to the fixed date through announcement and other methods.

Provided that if the Secretary is of the opinion that the Sarpanch is hindering holding a meeting, he will hold a meeting despite the negative advice of the Sarpanch.

Provided that, in the absence of Secretary/Assistant Secretary or lack of action to hold a meeting within a week, three members from among the people who request in writing to organize a meeting may inform the Sarpanch and organize the meeting by giving notice of at least three days.

(3) The decisions taken in a particular meeting shall not be challenged anywhere else except in the next meeting. The decisions of the Gram Sabha will be final.

Standing Committees of Gram Sabha

- (1) The Gram Sabha may constitute Standing Committees viz. Peace Committee, Justice Committee, Resource Planning and Management Committee, Intoxication Control Committee, Debt Control Committee, Market Committee, Sabha Kosh Committee and others as deemed appropriate by the Gram Sabha in order to fulfill its responsibilities regarding various aspects of the working of the village. Besides, temporary and ad-hoc committees may be constituted as per requirement.
- (2) The members of the Standing Committees of the Gram Sabha shall be elected in an open meeting of the Gram Sabha among members of the Gram Sabha. As per the spirit of the participatory democracy, that to the extent possible, every member of the Gram Sabha will be included in some Committee and discharge some responsibility.
- (3) The tenure of all the Standing Committees will be of one or two years as decided by the Gram Sabha. For this purpose on the decided date all the members of these Committees will be relieved of their duties. Gram Sabha will then take a decision to assign them responsibility in the same or some other Standing Committee. The Gram Sabha is competent to reconstitute all the Committees.
- (4) There will be a President and a Secretary in each Standing Committee. The Committee concerned will appoint them from among the members with consensus. Provided that if the Standing Committee is not able to form a consensus, a decision will be taken through simple majority.
- (5) The responsibility to implement the decisions taken by the Gram Sabha on various subjects will be of the concerned Standing Committee. But the responsibility of the works to be carried out from the amount received from the Government in any form will be of the Gram Panchayat and its concerned committees.

Parallel bodies

- (1) If under any Act on any subject such as forest, irrigation management etc., a body or committee is constituted by any government department, the same will be treated as a Standing Committee of Gram Sabha on that subject. Notwithstanding the provisions in the concerned Act, that body or committee will be accountable to Gram Sabha.
- (2) Any instructions issued by any agency other than the Gram Sabha will not be treated as legal instructions to the Gram Sabha or Gram Panchayat. Such instructions will be treated merely as “advisory”.

- (3) The concerned committee will put up such “instructions” before Gram Sabha and the final decision to implement them in the same or revised form or not to implement them will be of the Gram Sabha.

Procedure of the Standing Committees of Gram Sabha:

The procedure of the Standing Committees of Gram Sabha will be the same as of Gram Sabha as follows:

- (1) Meetings of all Committees including Gram Panchayat will be in open,
- (2) Notice of every meeting of the Standing Committee, specifying the date, time and place thereof and business to be transacted thereat shall be given by the Secretary of the Standing Committee at least three days in advance.
- (3) The quorum necessary for the meeting of the meeting of the Standing Committee shall be one-half, including the President.
- (4) A member of Gram Sabha may attend any meeting of Standing Committee. He may ask any question on the topic of the discussion with the permission of the chair. But he or she will not have the right to vote at the time of final decision.
- (5) All the decisions of the Standing Committees will be taken as per the procedure for the Gram Sabha.
- (6) The gist of the important decisions taken in the meetings of the Standing Committees will be recorded.

Gram Panchayat:

- The lower tier of the Panchayat Raj system in the country is the village level panchayat.
- It is known in most of the States as Gram Panchayat.
- The members of a Gram Panchayat are directly elected by the people.
- The number of members of a Gram Panchayat is fixed on the basis of the village population. Hence, it differs from panchayat to panchayat.
- An election is held on the basis of the single-member constituency.
- One-third of the total numbers of seats are reserved for women, and some for Scheduled Castes and Tribes including one-third for women of Scheduled Castes and Tribes.

- Chairpersons of Gram Panchayats are called by different names in different States as ‘Sarpanch, Pradhan or President.
- There is a Vice-Chairperson also.
- Both are elected by members of the panchayat.
- Gram Panchayats generally hold their meetings once a month. Panchayats at all levels constitute committees for the transaction of their business.

Panchayat Samiti:

- The second or middle tier of the Panchayati Raj is Panchayat Samiti which provides a link between Gram Panchayat and a Zila Parishad.
- The strength of a Panchayat Samiti also depends on the population in a Samiti area.
- In Panchayat Samiti, some members are directly elected.
- Sarpanchs of gram panchayats are ex-officio members of Panchayat Samitis.
- However, all the sarpanchs of Gram Panchayats are not members of Panchayat Samitis at the same time.
- The number varies from State to State and is rotated annually.
- It means that only chairpersons of some Gram Panchayats in a Samiti area are members of Panchayat Samiti at a time.
- In some panchayats, members of Legislative Assemblies and Legislative Councils, as well as members of Parliament who belong to the Samiti area, are co-opted as its members.
- Chairpersons of Panchayat Samitis are, generally elected from among the directly elected members.

Functions of Panchayat Samiti

- Panchayat Samitis are headed by Block Development Officers (B.D.Os).
- Some functions are entrusted to them like agriculture, land improvement, watershed development, social and farm forestry, technical and vocational education, etc.
- The second type of functions relates to the implementation of some specific plans, schemes or programs to which funds are earmarked.
- It means that a Panchayat Samiti has to spend money only on that specific project.

- The choice of location or beneficiaries is, however, available to the Panchayat Samiti.

Sources of income of Panchayat Samitis

- Panchayat Samitis can impose a tax on facilities provided by them as water for drinking or irrigation purposes, lighting arrangements, tolls for bridges maintained by them.
- The property of Panchayat Samitis includes public buildings, public roads constructed or maintained out of their funds and all land or other property transferred to them by the government.
- Panchayats receive income from the property vested in them.
- They also receive grants from the State Governments.
- Funds are transferred by Zila Panchayats or State Governments along with schemes to be implemented by the intermediate institutions of Panchayati Raj.

ZilaParishad:

- ZilaParishad at the district level is the uppermost tier of the Panchayati Raj system.
- This institution has some directly elected members whose number differs from State to State as it is also based on population.
- Chairpersons of Panchayat Samitis are ex-officio members of ZilaParishads.
- Members of Parliament, Legislative Assemblies and Councils belonging to the districts are also nominated members of ZilaParishads.
- The chairperson of a ZilaParishad, called Adhyaksha or President, is elected from among the directly elected members.
- The vice-chairperson is also elected similarly.
- ZilaParishad meetings are conducted once a month.
- Special meetings can also be convened to discuss special matters.
- Subject committees are also formed.
- Ex-officio: A person who holds an office, not because he/she is elected to that post, but by virtue of the fact that he/she holds another office.

Functions of ZilaParishad

- ZilaParishad links panchayat samitis within the district.

- It coordinates their activities and supervises their functioning.
- It prepares district plans and integrates samiti plans into district plans for submission to the State Government.
- ZilaParishad looks after development works in the entire district.
- It undertakes schemes to improve agricultural production, exploit groundwater resources, extend rural electrification and distribution and initiate employment generating activities, construct roads and other public works.
- It also performs welfare functions like relief during natural calamities and scarcity, the establishment of orphanages and poor homes, night shelters, the welfare of women and children, etc.
- In addition, ZilaParishads perform functions entrusted to them under the Central and State Government-sponsored programs.
- For example, JawaharRozgarYojna is a big centrally sponsored scheme for which money is directly given to the districts to undertake employment-generating activities.

Sources of income of ZilaParishads

- ZilaParishad is also authorized to impose taxes.
- They may impose taxes on persons carrying on business in rural areas for six months, taxes on brokers, commission agents in markets established by them, also tax on the sale of goods in these markets.
- Tax on land revenue can also be imposed by ZilaParishads.
- When development schemes are entrusted to them, necessary funds are also provided.
- They also receive grants from the State, donations from charitable institutions, and may also raise loans.

