

INDIAN ADMINISTRATIVE SYSTEM

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The content is prepared according to the text book and reference book given in the syllabus.

Year	Subject Title	Sem.	Sub Code
2018 -19	Core 2:Indian Administrative System	I	18MPA12C
Onwards			

UNIT – I: EVOLUTION OF INDIAN ADMINISTRATION

Administration in Pre- colonial, Colonial and Post- colonial era- welfare state- Salient features of Indian Constitution- Fundamental Rights – Directive Principles of State Policy.

UNIT – II: UNION ADMINISTRATION

President- Prime Minister- Council of Ministers- Cabinet Secretariat- Cabinet Committees- Prime Minister’s Office- Central Secretariat- Ministries and Departments.

UNIT – III: CONSTITUTIONAL AUTHORITIES

Finance Commission – Union Public Service Commission – Election Commission – National Commission for SCs & STs – Attorney General of India – Comptroller and Auditor General of India

UNIT – IV: STATE ADMINISTRATION

Governor – Chief Minister, – Cabinet – State Secretariat – Departments – Directorate – Collectorate-State Public Service Commission.

UNIT – V: ISSUES IN INDIAN ADMINISTRATION

Minister – Civil Servant Relation – Generalist Vs. Specialists – Union- State Relations(Administrative and Financial) – Planning Commission- National Development Council- Corruption- Administrative Reforms Impact of Information Technology on Indian Administration – Globalization and Indian Administration

Reference Books

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INDIAN ADMINISTRATIVE SYSTEM

Degree: I M.A.

Semester: I

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UNIT – IV

STATE ADMINISTRATION

GOVERNOR:

The Governors of the states of India have similar powers and functions at the state level as those of the President of India at Union level. Governors exist in the states while lieutenant governors or administrator exist in union territories including National Capital Territory of Delhi. The governor acts as the nominal head whereas the real power lies with the Chief ministers of the states and his/her councils of ministers. In India, a lieutenant governor is in charge of a union territory. However, the rank is present only in the union territories of Andaman and Nicobar Islands, Ladakh, Jammu and Kashmir, Delhi and Puducherry (the other territories have an administrator appointed, who is usually an IAS officer or a retired judge of a court). However, the governor of Punjab acts as the administrator of Chandigarh. Lieutenant governors do not hold the same rank as a governor of a state in the list of precedence. The governors and lieutenant governors are appointed by the president for a term of five years.

Pre-Roman empires

Though the legal and administrative framework of provinces, each administered by a governor, was created by the Romans, the term governor has been a convenient term for historians to describe similar systems in antiquity. Indeed, many regions of the pre-Roman antiquity were ultimately replaced by Roman 'standardized' provincial governments after their conquest by Rome.

Egypt

- In Pharaonic times, the governors of each of the various provinces in the kingdoms of Upper and Lower Egypt (called "nomes" by the Greeks, and whose names often alluded to local patterns of religious worship) are usually known by the Greek word.

Pre- and Hellenistic satraps

- Media and Achaemenid Persia introduced the satrapy, probably inspired by the Assyrian / Babylonian examples
- Alexander the Great and equally Hellenistic diadoch kingdoms, mainly Seleucids (greater Syria) and Lagids ('Ptolemies' in Hellenistic Egypt)
- in later Persia, again under Iranian dynasties:
 - Parthia
 - the Sassanid dynasty dispensed with the office after Shapur I (who had still 7 of them), replacing them with petty vassal rulers, known as shahdars

Ancient Rome

Main article: Roman governor

From the creation of the earliest Roman subject provinces, a governor was appointed each year to administer each of them. The core function of a Roman governor was as a magistrate or judge, and the management of taxation and the public spending in their area.

Under the Republic and the early Empire, however, a governor also commanded military forces in his province. Republican governors were all men who had served in senior magistracies (the consulate or praetorship) in Rome in the previous year, and carried related titles as governor (proconsul or propraeor). The first Emperor, Octavianus Augustus (who acquired or settled a number of new territories; officially his style was republican: Princeps civitatis), divided the provinces into two categories; the traditionally prestigious governorships remained

as before (in what have become known as "senatorial" provinces), while in a range of others, he retained the formal governorship himself, delegating the actual task of administration to appointees (usually with the title *legatus Augusti*). The *legatus* sometimes would appoint a prefect (later procurator), usually a man of equestrian rank, to act as his deputy in a subregion of the larger province: the infamous character of Pontius Pilate in the Christian Gospels was a governor of this sort.

A special case was Egypt, a rich 'private' domain and vital granary, where the Emperor almost inherited the theocratic status of a Pharaoh. The Emperor was represented there by a governor *sui generis* styled *praefectus augustalis*, a title evoking the religious cult of the Emperor.

Emperors Diocletian (see Tetrarchy) and Constantine in the third and fourth centuries AD carried out a root and branch reorganisation of the administration with two main features:

- Provinces were divided up and became much more numerous (Italy itself, before the 'colonizing homeland', was brought into the system for the first time); they were then grouped into dioceses, and the dioceses in turn into four praetorian prefectures (originally each under a residing co-emperor);
- Military responsibilities were removed from governors and given to new officials called *comes rei militaris* (the comital title was also granted to many court and civilian administrative positions) or *dux*, later also *magister militum*.

The prestigious governorships of Africa and Asia remained with the title *proconsul*, and the special right to refer matters directly to the Emperor; the *praefectus augustalis* in Alexandria and the *comes Orientis* in Antioch also retained special titles. Otherwise, the governors of provinces had various titles, some known as *consularis*, some as *corrector*, while others as *praeses*. Apart from Egypt and the East (*Oriens* – viz greater Syria), each diocese was directed by a governor known as a *vicarius*. The prefectures were directed by *praefecti praetorio* (greatly transformed in their functions from their role in the early Empire).

Byzantium

This system survived with few significant changes until the collapse of the empire in the West, and in the East, the breakdown of order with the Persian and Arab invasions of the seventh century. At that stage, a new kind of governor emerged, the Strategos. It was a role leading the themes which replaced provinces at this point, involving a return to the amalgamation of civil and military office which had been the practice under the Republic and the early Empire.

Legacy

While the Roman administration in the West was largely destroyed in the barbarian invasions, its model was remembered; this model became very influential through two particular vehicles: Roman law and the Christian Church.

Holy Roman/ Habsburg Empires and successor states

- Reichskommissar

Turkish rule

In the Ottoman Empire, all Pashas (generals) administered a province of the Great Sultan's vast empire, with specific titles (such as Mutessaryf; Vali or Wāli which was often maintained and revived in the

oriental successor states; Beilerbei (rendered as Governor-general, as he is appointed above several provinces under individual governors) and Dey)

The governor's primary responsibilities are to:

- Serve as the state's chief executive officer and oversees the functions of the executive branch of government.
- Report to the General Assembly and the citizens of Indiana on the condition of the state each January.
- Recommend legislation to the General Assembly.

- Review bills that are approved by both the Indiana House and Senate. The governor can sign the legislation and it will become law. If a bill is vetoed, it is returned to the General Assembly.
- Issue executive orders on matters important to the state.
- Serve as commander-in-chief of the state's armed forces.
- He also may grant reprieves, commutations and pardons.

powers and functions

The primary function of the governor is to preserve, protect and defend the constitution and the law as incorporated in his/her oath of office under Article 159 of the Indian constitution in the administration of the State affairs. All his/her actions, recommendations and supervisory powers (Article 167c, Article 200, Article 213, Article 355, etc.) over the executive and legislative entities of a State shall be used to implement the provisions of the Constitution. In this respect, the governor has many different types of powers:

- **Executive powers** related to administration, appointments and removals,
- **Legislative powers** related to lawmaking and the state legislature, that is State Legislative Assembly (Vidhan Sabha) or State Legislative Council (Vidhan Parishad),
- **Discretionary powers** to be carried out according to the discretion of the governor

Executive powers

The Constitution vests in the governor all the executive powers of the state government. The governor appoints the chief minister, who enjoys the support of the majority in the State Legislative Assembly. The governor also appoints the other members of the Council of Ministers and distributes portfolios to them on the advice of the chief minister.

The Council of Ministers remain in power during the 'pleasure' of the governor, but in the real sense it means the pleasure of obtaining majority in the Legislative Assembly. As long as the majority in the State Legislative Assembly supports the government, the Council of Ministers cannot be dismissed.

The governor appoints the chief minister of a state. He or she also appoints the Advocate General and the chairman and members of the State Public Service Commission. Apart from this, State Election Commissioner is also appointed by the Governor (though removed by the President). The president consults the governor in the appointment of judges of the High Courts and the governor appoints the judges of the District Courts. All administrations are carried on his or her name, he or she also has the power to appoint staff for his or her tenure in class one and class four as per constitution of India.

The Governor of the state by virtue of his or her office is also the Chancellor of most of the Universities in the State.^[1] The dignity and impartiality of the office of the Chancellor puts the Governor in a unique position with regard to protecting the autonomy of the Universities and saving them from undue political interference. The Governor as Chancellor of University also acts as President of the Senate. Governor has power to direct inspection of every component of the Universities and affiliated colleges, required due action on the result of inquiry. The Chancellor appoints search committee for appointments of Vice Chancellor. Governor accords consent of warrant of degrees and withdraw degree or distinctions both at the recommendations of the Senate. Governor approves or disapproves statutes passed by the Senate and appoints teachers of the University based on recommendation of the respective committees.

Legislative powers

The state head summons the sessions of both houses of the state legislature and prorogues them. The governor can even dissolve the State Legislative Assembly. These powers are formal and the governor's use of these powers must comply with the advice of the Council of Ministers headed by the Chief Minister.

The governor inaugurates (to dedicate) the state legislature by addressing it after the assembly elections and also at the beginning of the first session every year. The governor's address on these occasions generally outlines new policies of the state government. A bill that the state legislature has passed, can become a law only after the governor gives assent. The governor can return a bill to the state legislature, if it is not a money bill, for reconsideration. However, if the state legislature sends it back to the governor for the second time, the governor must assent to it. The governor has the power to reserve certain bills for the president.

When the state legislature is not in session and the governor considers it necessary to have a law, then the governor can promulgate ordinances. These ordinances are submitted to the state legislature at its next session. They remain valid for no more than six weeks from the date the state legislature is reconvened unless approved by it earlier. ^[1]

Governor is empowered under Article 192 to disqualify a member of a House of the State legislature when the election commission recommends that the legislator is no longer complying with provisions of Article 191.

Per Articles 165 and 177, Governor can ask the Advocate General to attend the proceedings of both houses of the state legislature and report to him any unlawful functioning if any.

Financial powers

The governor causes to be laid before the State Legislature the annual financial statement which is the State Budget. Further no demand for grant shall be made except on his recommendation. They can also make advances out of the Contingency Fund of the State to meet any unforeseen expenditure. Moreover, he constitutes the Finance Commission of state.

Discretionary powers

The governor can use these powers:

- When no party gets a clear majority, the governor has discretion to choose a candidate for chief minister who will put together a majority coalition as soon as possible.
- He can impose president's rule.
- He submits reports on his own to the president or on the direction of the president regarding the affairs of the state.
- He can withhold his assent to a bill and send it to the president for his approval.
- During emergency rule per Article 353, he can override the advice of the council of ministers if specifically permitted by the president.

Contingency situation

The governor has no role or powers in a contingency situation such as president's rule unless specifically permitted by the president under articles 160, 356 and 357.

The Governor is not permitted to take any decision on

his own without state cabinet advise when an elected government is in charge under the provisions of Part VI of the constitution

CHIEF MINISTER:

In the Republic of India, a chief minister is the elected head of government of the each state out of 27 states and sometimes a union territory (currently, only the UTs of Delhi and Puducherry have serving Chief Ministers). According to the Constitution of India, the Governor is a state's head, but de facto executive authority rests with the chief minister.

Following elections to the State Legislative Assembly in a state, the state's governor usually invites the party (or coalition) with a majority of seats to form the government. The governor appoints and swears in the chief minister, whose Council of Ministers are collectively responsible to the assembly. Based on the Westminster system, given that he retains the confidence of the assembly, the chief minister's term can last for the length of the assembly's life—a maximum of five years. There are no limits to the number of terms that the chief minister can serve. A chief minister heads a state government's council of ministers and can be deputed in that role by a deputy chief minister.

The title has a similar construction and role as a prime minister, first minister or minister-president but usually with a lower rank. The role has context within the Westminster system of government where a constitutional head of state (usually sub-national) is advised by ministers who usually head executive government departments (ministries). A chief minister is understood to be "first among equals". They would be the chief adviser to the nominal head of their state, the chair of cabinet and leader of the main governing political party in the legislature.

Selection process

Eligibility

The Constitution of India sets the principle qualifications one must meet to be eligible to the office of the chief minister. A chief minister must be:

- a citizen of India.
- should be a member of the state legislature. If a person is elected chief minister who is not a member of the legislature, then he/she must take sign from governor.
- of 25 years of age or more

An individual who is not a member of the legislature can be considered as the chief minister provided he/she gets himself/herself elected to the State Legislature within

six months from the date of their appointment. Failing which, he/she would cease to be the chief minister.

Election

The chief minister is elected through a majority in the state legislative assembly. This is procedurally established by the vote of confidence in the legislative assembly, as suggested by the governor of the state who is the appointing authority. They are elected for five years. ^[4] The chief minister shall hold office during the pleasure of the governor.

Oath

Since, according to the constitution, the chief minister is appointed by the governor, the swearing in is done before the governor of the state.

The oath of office.

I, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as a Minister for the State of and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or ill-will.

The oath of secrecy

I, <Name of Minister>, do swear in the name of God/solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister for the State of <Name of the State> except as may be required for the due discharge of my duties as such Minister.

Resignation

In the event of a Chief Minister's resignation, which conventionally occurs after a general election or during a phase of assembly majority transition, the outgoing Chief minister holds the informal title of "caretaker" chief minister until the Governor either appoints a new chief minister or dissolves the assembly. Since the post is not constitutionally defined, the caretaker chief minister enjoys all the powers a regular chief minister, but cannot to make any major policy decisions or cabinet changes during his/her short tenure as caretaker.

Remuneration

Salary of Government Officials in India

By Article 164 of the constitution of India, remuneration of the chief minister as well as other ministers are to be decided by the respective state legislatures.^[6] Until the legislature of the state decides salary, it shall be as specified in the second schedule.^[7] The salaries thus vary from state to state. As of 2019, the highest salary is drawn by chief ministers of Telangana, which is ₹410,000 (US\$5,700) and lowest by the chief ministers of Tripura which is ₹105,500 (US\$1,500) legally.^[8]

Deputy chief ministe:

List of current Indian deputy chief ministers

Various states throughout the history have appointed Deputy Chief Ministers. Despite being not mentioned in the constitution or law, the Deputy-Chief minister office is often used to pacify factions within the party or coalition. It is similar to the rarely used Deputy-Prime minister post in Central government of India. During the absence of the Chief minister, the deputy-CM may chair cabinet meetings and lead the Assembly majority. Various deputy chief ministers have also taken the oath of secrecy in line

with the one that chief minister takes. This oath has also sparked controversies.

The Chief Minister: Appointment, Power, Function and Position!

The Chief Minister is appointed by the governor. Art. 164 of the Constitution provides that there shall be a Council of Ministers with the Chief Minister at its hand to aid and advise the governor.

Once the election to the Legislative Assembly is over the task of forming the government begins. The party with the majority in the Legislative Assembly (Vidhan Sabha) is entitled to form the government. It is upon his recommendation that ministers are appointed. However, some of the important powers and functions of the Chief Minister are as under:

Powers and Functions of the Chief Minister:

The Chief Minister holds a pivotal position in the working of the State Government. He has enormous powers and vast responsibilities.

The Chief Minister is the link between the Cabinet and the Governor. It is he who communicates to the Governor all decisions of the Council of Ministers. He has to furnish such information relating to the administration of the State as the Governor may call for.

The Governor can submit to the consideration of the Council of Ministers any matter on which decision has been taken by a Minister but which has not been considered by the Council of Ministers.

The Governor appoints a large number of top officials of the State. He also summons and prorogues the sessions of State Legislature. All such powers are exercised by the Governor on the advice of the Chief Minister. The Chief Minister, however, has no right to give advice to the Governor in relation to the functions which he exercises in his discretion.

As Head of the State Cabinet, the Chief Minister enjoys the following powers:

(i) Formation of the Ministry:

The other Ministers are appointed by the Governor on the advice of the Chief Minister. The Chief Minister has a free hand in preparing the list of his colleagues. The Governor may suggest the names of the persons to be included in the Ministry, but he cannot insist upon any person to be included in the Ministry. Assigning departments or portfolios to the Ministers is done by the Governor on the advice of the Chief Minister

(ii) Removal of Ministers:

The Ministers hold office during the pleasure of the Governor. This, however, does not mean that the Governor can dismiss his Ministers at his will. The Government is in fact dependent on the Chief Minister. Therefore, the Chief Minister can reconstruct his Ministry as and when he likes. He may ask anyone of his colleagues to resign. If he declines, he will be dismissed by the Governor.

(iii) The Chief Minister Presides over the Meetings:

As Chairman of the Cabinet, the Chief Minister has a position which enables him to impose his decision. It 'is he who controls the agenda for the Cabinet meetings. It is for the Chief Minister to accept or reject proposals for Cabinet discussion.

(iv) Co-ordinates the Working of various Departments:

The Chief Minister supervises and coordinates policies of the several Ministers and Departments. Several ministries are involved in the formulation and implementation of a policy.

The Chief Minister must bring these activities into reasonable relationship with one-another. In matters of public order, roads and bridges agriculture, land revenue and production, supply and distribution of goods, he plays a special role in directing the policy of the Government.

3. The Chief Minister is the Leader of the House:

The Chief Minister is the leader of the State Legislative Assembly. All principal announcements of policy are made by him. The Chief Minister intervenes in debates of general importance. He can appease an angry House by promising immediate relief or concessions when needed.

Position of the Chief Minister:

The Chief Minister's position is pre-eminent in the State governmental system. In practice, his position will be imposing only when his party commands a clear majority in the State Legislature.

When it is a coalition government, it becomes difficult to safeguard the principle of collective responsibility also. Much of the time and energy of the Chief Minister will, in that case, be wasted on keeping his team united and sufficiently discipline

CABINET:

Minister of State is a title borne by politicians or officials in certain countries governed under a parliamentary system. In some countries a 'Minister of State' is a junior minister, who is assigned to assist a specific cabinet minister. A Cabinet minister's role includes: directing government policy and making decisions about national issues, spending a lot of time discussing current national problems and how these can be solved, presenting bills— proposed laws—from their government departments. A Minister of State with independent charge is a minister without an overseeing Cabinet Minister in the State or Union Government of India. He himself is in charge of his ministry, unlike Minister of State who is also a Minister but assists a cabinet minister.

Indian Cabinet: Powers, Functions and Role of Indian Cabinet!

Cabinet is the supreme directing authority, the magnet of policy, which co-ordinates and controls the whole of the executive government of the Union and integrates and guides the work of Parliament.

A parliamentary system of government on the British model is operative in India, but the Cabinet in India performs certain functions which the British Cabinet dare not assume. For instance, Article 123 of the Constitution empowers the President to promulgate Ordinances which shall have the same force and effect as an Act of Parliament.

Such Ordinances are issued and promulgated on the advice of the Cabinet under the authority of the President. Fundamental Rights, as contained in Article 19, may be suspended when a Proclamation of Emergency is in force and the decision to declare Emergency and suspension of Fundamental Rights, as contained in the Presidential Order, including the enforcement of such rights, is that of the Cabinet and not of the Prime Minister alone.

Decisions relating to the reorganisation of the States and alteration in their boundaries are taken by the Cabinet. All such decisions are in the final analysis subject to the approval of Parliament, but so long as the Government commands a comfortable majority Parliament simply gives its approval.

Cabinet is a deliberative and policy formulating body. It discusses and decides all sorts of national and international problems confronting the country. The Cabinet always attempts to reach unanimous agreements embodying Government's policy so that it presents to Parliament and to the world at large a unified policy of action. This is the essence of collective responsibility.

While the Cabinet has determined on a policy the appropriate Ministry carries it out either by administrative action within the framework of the existing law or by

submitting a new proposal for legislation to Parliament. Legislation is the hand maid of administration and Cabinet is the instrument which links the Executive wing of Government to the Legislative. In this way, the Cabinet directs Parliament for action and it gets the approval of its policy with a majority in Parliament. Cabinet, as such, leads Parliament.

These are essentially legislative functions of the Cabinet. But in the modern State, as Jennings has said, “most legislation is directed towards the creation or modification of administrative powers”. No vivid distinction, as a matter of reality, can be made between legislation and administration.

The Cabinet plans the legislative programme at the beginning of each session of Parliament and determines priorities. Legislative measures are introduced either by Cabinet Minister or by some other minister acting on the Cabinet’s approval. No minister can introduce a legislative measure on his own initiative. It is for the Cabinet to decide what Bills shall be promoted in a session of Parliament.

In matters of legislation, therefore, the control of the Cabinet over the Council of Ministers is complete and unchallengeable. It will be more correct to say that the Cabinet Ministers formulate policies, make decisions and draft Bills on all significant matters which in their judgement require legislative attention, asking of Parliament, only that it give sanction to such decisions and policies by considering them and taking the necessary vote.

The Cabinet really legislates with the advice and consent of Parliament. The time of summoning and prorogation of Parliament is decided by the Cabinet. Dissolution of Parliament, which decides the fate of various parties, is the decision of the Cabinet, though the Prime Minister of India, like his British counterpart, exercises it as a matter of right.’

Supreme Control over the Executive:

The Cabinet is not an executive instrument in the sense that it possesses any legal powers. The Constitution vests that executive authority in the President, exercisable by him either directly or through officers subordinate to him. The real functionaries are the Ministers. Minister presides over the Ministries of Government, and carries out the policy determined by the Cabinet and approved by Parliament.

In carrying out the work of their Ministries, Ministers, whether in the Cabinet or not, must carefully follow the directions of the Cabinet in enforcing its decisions and policies. The Cabinet is the supreme executive body. It superintends, supervises and directs the work the civil servants do all over the Union.

All questions and problems which are likely to focus the attention of Parliament are considered in the Cabinet and decisions taken thereon to prevent a multiplicity of voices in important debates.

The power of delegated legislation has still more enhanced the executive authority of the Cabinet and the Ministers. Legislation during recent times has become more voluminous and more technical and Parliament very often passes laws in skeleton form leaving it to the Council of Ministers or Ministers in-charge of the appropriate Ministries to fill in the details and make rules and regulations in order to give effect to such laws.

The Cabinet as a Co-ordinator:

The essential function of the Cabinet is to co-ordinate and guide the functions of the several Ministries and Departments of Government. The emergence of the Cabinet and the increased problem of co-ordination in the context of the Welfare State and implementation of Five Year Plans have brought about a significant expansion in the work of the Cabinet Secretariat.

Control over Finance:

Two more functions may be added to those enumerated above. The first is that the Cabinet is responsible for the whole expenditure of the State and for raising necessary revenues to meet it. The Cabinet does not discuss the Budget. But the Finance Minister generally keeps his colleagues in the picture so far as a proposal may affect matters which come within their purview. The final decision is that of the Finance Minister.

The detailed taxation proposals are shown to the Prime Minister. But the Cabinet is not taken by surprise. The proposals are discussed in the Cabinet at some stage in some form. Then it decides how far should the revenues of the state be collected and what tax relief should be given to the people.

Similarly, it is the responsibility of each Minister to see that budget proposals of his Ministry are approved by the House. In fact no budget proposal in the House can come unless that is initiated by a Minister. All plan proposals are approved by the Cabinet and that also decides plan policies and guidelines. Without its approval, the plan is not finally approved. The members of the Planning Commission are also appointed by the Cabinet.

Power of Making Appointments:

The President makes a large number of appointments. Most of these appointments are actually made on the recommendation of the Cabinet. Thus, such important persons as ambassadors and High Commissioners, Governors of the States, Judge of the Supreme Court and the High Courts, and members of the Union Public Service Commission are selected by the Cabinet, and their appointments; are announced by the President on the recommendation of the Cabinet

STATE SECRETARIAT:

While the Governor and the chief minister enjoy a constitutional status under the Constitution of India, the chief secretary, his secretariat and state services have been created to make the state government function on the pattern of secretariat of the Central government. The state secretarial consists of departments of state government which are headed politically by the ministers and administratively by the secretaries.

The chief secretary Is the head of the entire state secretariat while a secretary is a head of one or two departments. The secretary is a senior administration officer of generalist variety. The secretary is the secretary to the state government as a whole and not to the individual minister concerned. The number of secretariat departments vary from state to state and may ranges from 15 to 40 departments. Some major departments of State Government are:

- Adi Dravidar and Tribal Welfare Department.
- Agriculture Department.
- Animal Husbandry, Dairying and Fisheries Department.
- BC, MBC & Minorities Welfare Department.
- Commercial Taxes and Registration Department.
- Co-operation, Food and Consumer Protection Department.
- Energy Department.

The executive department has a top functionary called as head of the department. The health department in the secretariat for instance, is headed by the medical secretary, but the director of health is the head of the department. The latter is subordinate to the former. All secretariat departments do not have 'executive departments'.

Some of them like departments of finance, personnel, planning, administrative reforms, law, etc., offer advice. The head of the department may be a specialist and the secretary a generalist but no hard and fast rules exist in this regard. The merger and bifurcation of departments is a prerogative of the cabinet and it is a continuous process as per policy requirements of the government.

Public corporations may be attached to the departments and similarly state secretariat may also have a regular department of public enterprises. In addition to the functional departments the state secretariats have staff organisations like CM's secretariat, cabinet secretariat and CS office which act as policy making centres with powers of coordination and control.

Right from the British times there exists a uniformity in the organisation and personnel system of the state departments. Usually, a secretary of the department is assisted by a hierarchical team of several junior officials called as: special secretary/additional secretary, joint secretary, deputy secretary, under secretary, and assistant secretary. The office component of the secretariat consists of assistants and clerks called as superintendent (or Section Officer), assistant superintendents, upper division clerks, lower division clerks, steno-typists and typists, and manual workers.

The secretary heads the department and acts as a principal adviser of the minister on administrative and policy matters. He is personally responsible for the observance of Rules of Business and other activities of his department. He represents his department and can be called a link with other departments of the government.

He issues instructions and orders distribution of work among the staff and is responsible for the organisation and efficiency of the department. The additional secretary may function as secretary in relation to subjects allotted to his charge. He is the de facto head and deals directly with the minister. The deputy secretary acts on behalf of the secretary.

The under secretary has the responsibility of submitting all relevant materials to his seniors. The deputy secretary functions as one more level of scrutiny. The under secretary initiates actions on all communications and examines the papers under disposal and submits the case to the deputy secretary.

The secretarial officials are subject to tenure system and are appointed for a fixed term. They are drawn from the field and revert to the field after secretariat tenure and most of them belong to generalist services. The state secretariat like any other secretariat is a repository of authority of state government. It serves as a think tank and a coordinating nodal agency.

It is essentially a policy processing agency but it does offer advise, directions, guidance to field staff and prescribes procedures of work for the executive units in districts and below. The ARC found that the secretariats are doing non-secretarial functions. The Shiv Charan Mathur Commission tried to identify these specific functions of the state secretariat in Rajasthan.

Some of the following categories of functions are usually found in most of the state secretariats:

1. General Functions: :

- (1) Correspondence with the Government of India and other governments;
- (2) Matters involving the framing of new legal enactments or rules or amendments in the existing ones, involving interpretation or relaxation of existing rules of government orders;
- (3) Interdepartmental coordination;
- (4) All matters of general policy;
- (5) Inspection, reports and tour notes, recorded by the heads of departments;
- (6) All matters relating to the preparation or adoption of new plan schemes and important modification in the existing schemes;

- (7) Review of the progress of plan schemes, both physical and financial;
- (8) All-India conferences and important conferences of state level;
- (9) Delegation of powers;
- (10) Public Accounts Committee, Estimates Committee, assembly and parliamentary questions;
- (11) Litigation notices under Section 80, CPC;
- (12) Appeals, revisions, etc., within the powers of the state government; and
- (13) Territorial changes and changes at headquarters.

2. Finance Related Functions:

- (1) All proposals involving new items of expenditure;
- (2) Sanction of expenditure from the Contingency Fund;
- (3) Scrutiny and approval of development budget, estimates, major appropriation of accounts, surrender of funds, and supplementary grants;
- (4) Write-off cases beyond powers of heads of departments and audit objections regarding the offices of heads of departments, etc.;
- (5) Financial sanctions not within the competence of the heads of departments.

3. Service Related Functions:

- (1) Initial appointment of officers belonging to the state service of infliction of major punishments upon them;
- (2) Creation of posts, their extensions and continuance re-employment, resignations, special pay, allowances and pensions not within the powers of the head of department;

(3) Matters relating to senior appointments, promotions, transfers and cases of disciplinary proceedings against gazetted officers;

(4) Approval of service rules and amendments thereto.

State secretariat system unlike the central secretariat system of the Union government works under a chief secretary. The Rules of Business allocate responsibilities through standing orders which are approved by the state cabinets. By and large all states have a uniform pattern and keep reforming it by recommendations of committees and commissions.

The state of Orissa attached various state owned corporations to respective secretariat departments and abolished the departments of state public undertakings and corporations. The Maharashtra state made an inquest in the working of its secretariat in 1968 and adopted the desk system and ex officio joint secretary system for the technical officers. State like Punjab, Andhra and Tamil Nadu borrowed several progressive measures from central secretariat.

Innovations like group system, cell system, O&M introduction, desk office system, attach system and officer-oriented system were experimented upon to cut on delays and improve the efficiency of the personnel.

The State Committees and later the ARC in its report on state administration in 1969 identified these areas of secretariat administration as problems of:

(1) Inordinate delay in decision-making.

(2) Interference of secretariat officials in executive affairs by their non-secretariat activities.

(3) Irrational grouping of subjects in departments.

(4) Lack of field experience of senior offices working under tenure system. :

(5) Out datedness of allocation of subjects.

(6) Failure to adapt with the change of new governments in the states.

COLLECTORATE:

The position of District Collector was created by Warren Hastings in 1772. The main functions of the district collector were to supervise general administration, to collect land revenue and to maintain law and order in the district. He was the head of the revenue organization. In each district the collector, who is also the district magistrate, is the principal representative of the administration. The collector functions in close cooperation with the superintendent of police to maintain law and order in the district and serves as the principal revenue officer. The district revenue officer in turn reports into the district collector (also called district commissioner) who is in-charge of overall management of the district across all departments.

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Powers, Duties and Responsibilities District Magistrate/Collector

The District Magistrate or the Collector is the chief executive and chief administrative and revenue officer of a district. He makes necessary co-ordination of the official agencies functioning within the district. The functions and

responsibilities of the District Magistrate Collector may be broadly classified as follows:

- Collector
- District Magistrate
- Deputy Commissioner
- Chief Protocol Officer
- Chief Development Officer
- Returning Officer

Duties and responsibilities of a collector are as follows:

- Land assessment
- Land acquisition
- Collection of land revenue, maintenance of land records, land reforms, consolidation of holdings etc
- 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

Following are the duties and responsibilities of a District Magistrate:

- Maintenance of law and order
- Supervision of the police and jails
- Supervision of subordinate Executive magistracy
- Hearing cases under the preventive section of the Criminal Procedure Code
- Supervision of jails and certification of execution of capital sentences
- To submit the annual criminal report to the government

The duties and responsibilities of a Deputy Commissioner are as follows:

- Report to divisional commissioner on all matters
- Act as ex-officio chairman of the District Development Authority in absence of divisional commissioner

Following are the duties and responsibilities of a Chief Protocol Officer:

- Conducts the census work
- Look after the supply and proper distribution of daily necessity good
- Hears and takes adequate steps to redress the grievances of the local people
- Supervises the activities of the young government officers in the district and arrange for their training etc.

The duties and responsibilities of a Chief Development Officer are as follows:

- conduct all the development plans and projects of the district
- Put into effect the policy of democratic decentralization
- Act as the chief liaison officer of the state government within the district

Following are the duties and responsibilities of a Returning Officer:

- Conduct all the election works in the district
- Supervise and coordinate election in the district

STATE PUBLIC SERVICE COMMISSION:

The commission has a chairman and other members as determined by the governor.

Constitution hasn't given any qualifications except that 1/2 of the members should have at least 10 years of experience under central or state government.

Governor can appoint acting chairman from amongst the members if the office of chairman falls vacant or chairman can't discharge duties. Commission members aren't eligible for reappointment to same post.

Conducts examination for appointments to state service.

The State Public Service Commission is also a constitutional body. There is a State Public Service Commission in every state. The same set of Articles (i.e., 315 to 323) of the Constitution also deal with the composition, appointment and removal of members, power and functions and independence of a State Public Service Commission.

Composition

1. The composition of the State Public Service Commission is similar to that of the Union Public Service Commission.
2. The members of the State Public Service Commission are nominated by the Governor.

Functions

The functions of both the Commissions are also similar. Only the jurisdiction of the Union Public Service Commission is far wider than that of the State Public Service Commission. The jurisdiction of the Union Public Service Commission extends across the entire length and breadth of the country because it is related to the Civil Service of the Union Government. The Jurisdiction of the State Public Service Commission is limited within the State.

Powers, Functions, and Responsibilities of State Public Service Commission

A State Public Service Commission performs all those functions in respect of the state services as the UPSC does in relation to the Central services:

1. It conducts examinations for appointments to the services of the state.
2. It is consulted on the following matters related to personnel management.
3. All matters relating to methods of recruitment to civil services and for civil posts.

4. The principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another.
5. The suitability of candidates for appointments to civil services and posts for promotions and transfers from one service to another, and appointments by transfer or deputation. The concerned departments make recommendations for promotions and request the SPSC to ratify them.

The Supreme Court has held that if the government fails to consult the State Public Service Commission in these matters, the aggrieved public servant has no remedy in a court. In other words, the court held that any irregularity in consultation with the State Public Service Commission or acting without consultation does not invalidate the decision of the government.

Thus, the provision is directory and not mandatory. Similarly, the court held that a selection by the SPSC does not confer any right to the post upon the candidate. However, the government is to act fairly and without arbitrariness.

The additional functions relating to the services of the state can be conferred on State Public Service Commission by the state legislature. It can also place the personnel system of any local authority, corporate body or public institution within the jurisdiction of the SPSC. Hence the jurisdiction of SPSC can be extended by an Act made by the state legislature.

The State Public Service Commission presents, annually, to the governor a report on its performance. The governor places this report before both the Houses of the state legislature, along with a memorandum explaining the cases where the advice of the Commission was not accepted and the reasons for such non-acceptance.