

# **G|S SCORE**

**An Institute for Civil Services**

## **IAS TOPPER'S**

### **TEST COPY**

### **KARISHMA NAIR**

#### **RANK - 14**

### **PUBLIC ADMINISTRATION**

#### **TEST - 6**



**www.iasscore.in**

126 1/2

**PUBLIC ADMINISTRATION****Time Allowed: 3 hr.****Max. Marks: 250****Instructions to Candidate**

126 1/2

- There are **EIGHT** question divided in **Two Sections**.
- Candidate has to attempt **FIVE** questions in all
- Question No. 1 and 5 are compulsory and out of the remaining, three are to be attempted choosing at least one question from each section.
- The number of marks carried by a question/part is indicated against it.
- Answers must be written in the medium authorized in the Admission Certificate which must be stated clearly on the cover of this Question-cum-Answer (QCA) Booklet in the space provided. No marks will be given for answers written in medium other than the authorized one.
- Word limit in questions, wherever specified, should be adhered to.
- Attempts of questions shall be counted in chronological order. Unless struck off, attempt of a question shall be counted even if attempted partly. Any page or portion of the page left blank in the Question-Cum-Answer booklet must be clearly struck off.

Signature

*— Written Well.  
— you must include data, facts & contemporary  
examples to validate your answer.  
→ Also include  
diagrams & illustrations*

Name Karishma Nair

Mobile No. \_\_\_\_\_

1. Invigilator's Signature \_\_\_\_\_ Date \_\_\_\_\_

2. Invigilator's Signature To substantiate \_\_\_\_\_ Signature (K.N.)**REMARKS**

## SECTION-A

Attempt all questions:

1. Comment on the following into 150 words: (10 × 5 = 50)

- (a) Despite being the power centre, the Prime Minister cannot be dictatorial. Comment.
- (b) The Post of the Chief Secretary finds no analogous counterpart at the Centre. Comment.
- (c) The District Collector has become a "Collector" of responsibilities and functions. Comment.
- (d) DRDAs, though non-uniform, are the lynchpin for rural development. Comment.
- (e) The PMO and the Cabinet Secretariat, though arms of the Union Government, are distinct. Comment.

(a) The Indian Constitution assigns a powerful role to the PM as the Leader of the House, Chairman of the Cabinet ~~as~~ which makes the position the Head of Government.

The powers were feared to make the PM dictatorial because:

- ① Can command the Cabinet to make decisions.
- ② Can advise the removal, appointment and ~~Art~~  
reshuffle of the ministers. CA4, EG 352  
written because

However, there are various safeguards to prevent such dictatorial tendencies:

- ① No confidence motion can be passed in ~~LS~~ LS to censure the PM.
- ② President according to art. 74 can ask for reconsideration of opinion, which sends a strong message to the PM.

Media etc

Remarks

- (b) PM is 'primum inter pares' and every decision is to be made collectively by the cabinet
  - (c) President according to art 78 can ask for ~~any~~ information from PM, and also call for collective decision making.
  - (d) The judiciary acts as a check on the arbitrary use of power by the executive as well
- Basic structure can't be amended, and voice of people heard every 5 years
- Thus, the Constitution envisaged a strong position for the PM, but was also cognisant of the fears of him/her being dictatorial.

(b) The post of the chief secretary is the most important administrative office in the state.

- The myriad functions include:
- ① Acts as principal secretary and cabinet secretary as well (to IN)
  - ② Acts as the personnel secretary. may not be true
  - ③ Acts as the coordinating mechanism for inter-state and centre-state liaison. and true
  - ④ Acts as the Residual Legatee for departments not assigned to any other secretary.
  - ⑤ Acts as Secretary to zonal council on

Remarks

rotation.

- ⑥ Dignitaries to the state are received by the chief secretary.

The cabinet secretary to the Govt. of India, though has similar functions, differs from the chief secretary in many ways:

*More specific needs*

- ① Cabinet secretary is 'primus inter pares' whereas chief secretary is the most superior civil servant of the state.

- ② Cabinet secretary has no departmental functions / ministerial

- ③ Residual Legatee at centre is ~~R&S~~ <sup>Principal Secretary</sup> to the PMO

Thus, the functions and powers of the chief secretary

of a state are wider and more concrete

which finds no counterpart at the centre.

- (c) The office of District Collector has undergone many changes since its inception. As the functions of the Govt. increased due to it being a welfare state the number of policies also proliferated which sees its reflection at the District level through this Office.

Remarks

few of the functions and responsibilities of the District Collector include:

- ① Revenue collection

- ② Land record administration.

- ③ Development administration (scheme implementation)

- ④ food and Civil Supplies administration.

- ⑤ Crisis management - disasters, etc.

- ⑥ Law and order maintenance through magisterial functions.

- ⑦ Coordination and support for Panchayati Raj Institutions (acts as head of Zila Parishad)

- ⑧ Role in district planning.

- ⑨ Miscellaneous functions like receiving dignitaries, Census officer, etc.

*connect on functions & conclude*

- ⑩ Electoral functions.

The 2<sup>nd</sup> ARC has recommended that District Collector's role should be well-defined

and restricted to regulatory functions

as the incumbents are already overworked.

We now see a shift with special executive agencies being responsible for development work, however Collector remains the

coordinating mechanism of the state.

Remarks

~~Rural~~ ~~Agenies~~

(d) District Regulatory and Development Authorities (DRDAs) were envisaged to streamline the rural development activities of the Govt.

DRDAs had the following functions:

- ① Estimating people below poverty line.
- ② Beneficiary identification.
- ③ Providing requisite information to the staff agencies.
- ④ Coordinating various schemes at the district level, thus acting as a lynchpin.

5 1/2

Their non-uniformity arises out of the fact that:

- ① In some states, they are merged with the Zilla Parishad itself.
- ② The composition of DRDAs depend on state legislations.
- ③ Multiplicity of development officials
  - District Collector's Office, Extension services, District Councils, etc.

*more detail  
required  
on  
lynchpin  
part*

In 1999, a Central Sector Scheme to strengthen the DRDA was launched realising its drawbacks.

DRDAs act as a lynchpin between:

- Districts, states and centre.
- Urban area and rural area.
- District officials and PRIs.

Thus, the non-uniformity should not be seen diminishing the vitality of such an agency.

Remarks

(e) The PMO and Cabinet Secretariat have been seen as the two most important offices at the centre. They are both arms of the Union Government in that:

- ① Both act as coordinating mechanism.
- ② Both are staff agencies.
- ③ Both streamline and regulate Union Decisions.

b

However, there are clear distinctions between the two:

① PMO assists the PM, <sup>in functions when he also acts as minister (residual)</sup> whereas Cabinet Secretariat assists the entire cabinet.

② PMO can not act as an originating body for legislations, whereas the cabinet can.

③ PMO acts as the first check to ministries' decisions, but final approval of the cabinet secretariat is needed.

④ PMO assists PM in replies to the Parliament and her public relations as well.

⑤ A strong PMO is seen ~~as~~ at odds with the vitality of cabinet secretariat.

⑥ Cabinet Secretariate keeps the entire cabinet informed about decisions, sets agendas for meetings, etc. and advisory offices like

~~PMO has assisting and cabinet secretariat Economic Advisory Council, PM-STAC, etc.~~

Remarks

Thus, the distinction between PMO and Cabinet Secretariat lets them function without usurping the other's position.

## Remarks

## Remarks

## 2. Answer the following questions:

(a) He is not just a "rubber stamp", when it comes to legislative procedures. There have been many instances where President of India has asserted his office/authority. Discuss. (250 Words) (25)

(b) MGNREGA has been a game changer in the rural landscape, but the challenges still remain. Discuss. (250 Words) (25)

Ans. The President of India has been termed as a "rubber stamp" as he is seen acting at the 'aid and advise' of the Council of Ministers, headed by the PM.

However, on closer examination of the Constitution, it can be seen that the President can use his discretion in some instances for legislative procedures. 14

① Where more than 6 months are about to lapse and the Parliament is not summoned, and no advise to do so is received, President can summon the Parliament, as if he doesn't do so, he will be seen violating the Constitution, which is a ground for his impeachment.

② According to art. 86 President can send messages to the Parliament asking them to take up a particular discussion, or bill.

Remarks

③ According to article III, President can use his veto powers, and use his discretion while giving assent to Bills.

(i) Pocket veto: In this instance president is seen not taking any decision regarding the Bill, which is possible as the Constitution does not stipulate a time limit for giving assent to a Bill.

(ii) Suspensive veto: President can send back a bill to the Parliament for reconsideration. However, if the Bill is passed again with or without changes, president has to give his assent.

The returning of the bill is seen as a strong message to the Parliament, and it builds public narrative against the bill as well.

Thus, this tool has more power than might actually seem to have.

Remarks

④ According to article 201, president has similar veto powers for state bills with an added power that he is not bound to give his assent to a reconsidered bill as well.

⑤ Although ordinance making powers ~~are~~ not a discretion for the President, his resistance to keep re promulgating the ordinance sends a strong message.

#### Instances of assertion of President's Office.

① The Hindu Code Bill in the 1950s was a bone of contention wherein S Radhakrishnan was seen at odds with the Bill.

② GZ Singh's refusal to give his assent to the Post Office Bill, that had serious privacy concerns associated to it, ensured that the Bill ~~was~~ did not turn into an Act.

③ Similar pocket vetos have been seen being used by KR Narayan and APJ Abdul Kalam as well.

④ Pranab Mukherjee's concern about re promulgating the same ordinance again, raised a

#### Remarks

public debate about such ordinances.

The President's office has sufficient legislative powers to keep a check on unscrupulous legislations which is a vital part of our constitutionalism.

The usage of these powers, however depends on the incumbents, and their perspectives about legislations.

The long and difficult impeachment process gives the Office the strength to take assertive decisions without any fears.

#### Remarks

(b) MGNREGA enacted in 2005 can be seen as the cornerstone for rural development. It entailed providing 100 days of guaranteed paid employment to members of any rural household who is willing to do manual labour.

MGNREGA is rights-based and demand driven, whereas if employment is not provided, unemployment wages are to be given within 15 days.

### MGNREGA as a gamechanger in rural landscape

- ① It has increased rural wages, which has in turn spurred rural consumption and demand.
- ② Creation of social infrastructure is a supplementary goal of MGNREGA in the form of roads, wells, rain-water harvesting units, repairing and maintenance of schools etc.

The above infrastructure is also GPS linked thus, progress can be monitored, and is data driven.

Remarks +

- ③ MGNREGA is bridging gender disparity in rural areas as 50% of work is earmarked to be provided to women.
- ④ The mandatory social audit increases participation of rural people in governance and strengthens the Gram Sabha.
- ⑤ MGNREGA is leading to financial inclusion of rural citizens as ~~the~~ 76% of the wages are being disbursed through Direct Benefit Transfer which is bolstered by the Aadhar identity.
- ⑥ MGNREGA reduces distress migration from rural areas as the work needs to be provided in the same area demanded by the beneficiary.
- ⑦ MGNREGA reduces the burden on agriculture and creates infrastructure that can improve agricultural productivity e.g. irrigation.

+ Remarks

⑧ MGNREGA also leads to social upliftment due to the earmarking for SC and ST population.

The challenges that remain before MGNREGA are:

① It does not create skills amongst people to harness wages for the remaining days of the year. *(Good live example But put the points)*

② The quality of infrastructure created is being questioned. 13

③ Wage disparities amongst states is seen widening inter-regional disparities.

④ Although social audit is mandated, there is no provision for capacity building for social audit, as people are largely unaware about the concept and its purpose.

⑤ The reservations for women and SC/ST is seen flouted by many states.

⑥ The rights-based legislation suggests that people can go to court if wages not received,

#### Remarks

18

but the rural poor lack the knowledge and the resources.

⑦ Wages are not paid on time.

⑧ Recent concerns of exclusion due to non-matching of biometrics with Aadhar data.

⑨ Involvement of private players, SHGs, NGOs and other civil societies is poor.

#### Way forward

- Aadhar is to be strengthened to prevent exclusion.
- Capacity building for social auditing needed.
- Periodic revision of wages needed.

MGNREGA should be linked with DDU Grameen Kaushalya Yojana to develop skills so that less people will have to resort to MGNREGA wages, thus truly transforming the rural lands cape.

#### Remarks

3. Answer the following questions:

(a) Fiscal federalism has been the 'Achilles heel' in the Centre-State relations. Discuss.  
(250 Words) (25)

(b) PMUJ (Ujjwala Yojana) has served the dual purpose of rural development and women empowerment in villages. Analyse.  
(250 Words) (25)

*Remarks*

*Remarks*

*Remarks**Remarks*

*Remarks**Remarks*

*Remarks**Remarks*

4. Answer the following questions:

(a) Brute majority in governments are often at loggerheads with the judiciary. Critically examine in light of the last decade. (250 Words) (25)

(b) The Central Secretariat is a complex web of hierarchies which at times stifle the Govt. policies. Critically analyse. (250 Words) (25)

The parliamentary form of Govt. envisages a healthy role for the opposition to have a system of checks and balance of the Legislature over the Executive.

When such a mechanism fails, it is natural for the third wing - Judiciary to act as the sole check over the Government.

A brute majority in governments entails that the Govt. has majority numbers in the legislature such that they can get any bill passed without need of any support from opposition members.

The harms caused are:

① No respect for parliamentary conventions.

② No scope for detailed deliberations and discussions.

③ Undemocratic bills can also be passed.

④ frequent disruptions in the House

Remarks

In such a backdrop, the Judiciary plays a vital role in:

① Legislations are challenged in court which then examines its constitutional validity and even strikes down legislations.

e.g. The 10% reservation for EWS has been challenged before the SC for its constitutional validity.

② The procedure in the Parliament itself is questioned in courts which is a violation of separation of powers,

but is needed to ~~maintain~~ sanctity

of the Legislature.

e.g. In the recent case of Aadhar, court

checked whether speaker was right

in terming the Bill as a Money

Bill.

Remarks

- ③ Court is seen intervening where the position of Leader of Opposition is needed to appoint a statutory body.
- e.g. Court ruled that absence of Lop ~~do~~ cannot come in the way of appointing the Lokpal. good 13
- ④ The court has intervened in state government's decisions as well where the brute majority was seen unchecked.
- e.g. Court gave verdict on the exceptions of certain offices from being office of profit by the Delhi Govt. Can give ex of NJAC etc
- ⑤ Courts have been seen providing teeth to the election watchdog - Election Commission, which was attaining a public image of being supportive of the majority Government.
- ⑥ The Judiciary shall also ensure the upholding of autonomy of institutions like the CBI and not letting it

Remarks

- perish as a 'caged parrot' of the majority govt. which could use organisations for political vendetta.
- ⑦ Judiciary was seen restoring previous Govts. by going against the actions of Governors in States. e.g. Goa, Manipur, etc.
- Thus, a brute majority govt. is seen to be at loggerheads with the judiciary, because it has to fill the vacuum created by unchecked power and poor functioning of the legislature.
- 4(b) The central secretariat is seen as an arrangement of various ministries and departments and their administrative heads. good
- The central secretariat was envisioned by Gopalaswami Aiyangar as a staff arrangement to aid & advise ministers and executive agencies (subordinate and attached offices).
- The hierarchy of central secretariat is as follows:
- ```

    Minister
    |
    Department - Secretary
    |
    wing. - Add. Secretary, Jt. secretary.
    |
    Division - Dy. secretary
    |
    Block - Under secretary
    |
    Section - Section officer
  
```
- Attached Office  
↓  
Subordinate Office.

Remarks Desk Office System

The hierarchy is seen to be complex, because:

- ① Increases time taken for decision-making & shifting policy
- ② Reduces scope of inter-department liaisons.
- ③ Creates empire-building tendencies.
- ④ Present policy scenario requires dynamism and flatter structures.
- ⑤ It follows Peter Principle & Parkinson's Principle whereas each superior wants more amount of subordinate and unnecessarily inflates the work.
- ⑥ The higher-ups of the hierarchy are seen maintaining more relations with Minister and being cut-off from the ground realities to be provided by lower wings.  
→ Communication problem.

However, the hierarchical complexities are needed at the central level because:

- ① More checks and balances reduces chance of wrong decisions.
- ② Decreases the span of control for every ~~emp~~ officer, thus improves efficiency.

#### Remarks

- ③ Proper division of labour.
- ④ Maintains unity of command & direction from the minister and the ~~secretary~~.

The complexities of the hierarchy can be reduced by:

- ① Using Management Information System (MIS)
- ② Using e-office to expedite the procedure.
- ③ Capacity building of lower officers to improve work culture. (11)

- ④ Creating inter-departmental liaison mechanism to reduce the working in silos for better developmental policy.

*grate better  
Evaluation  
Fits structure  
to issue new & suggestions & conclude*

- ⑤ follow the tenure principle rhythmically to keep rotation of officers.

Thus, ~~the cabinet~~ central secretariat is the most vital office in policy formulation as well as monitoring its execution, hence O & M ~~not~~ should be used to constantly upgrade the secretariat.

#### Remarks

## SECTION-B

Attempt all questions:

5. Comment on the following into 150 words: (10 × 5 = 50)
- Intra-Governmental relations need a delicate balance to prevent encroachment by one another. Comment.
  - The Chief Minister in a state may be theoretically similar to the PM at the centre, but the ground reality differs vastly in the coalition era. Comment.
  - Democratic Decentralisation is still a pipe dream despite constitutional changes. Comment.
  - The urgency of development management along with law and order in the LPG pose a challenge to the local administration. Comment.
  - The Balwant Rai Mehta Committee laid the ground for the establishment of PRIs in independent India. Comment.

(a) The Government includes the three branches of

Legislature, Executive and the Judiciary.

Montesquieu's concept of 'Separation of Powers'

and 'Checks and balances' guides the

~~Intra-Governmental relations~~ between these

wings.

Good

5 1/2

The scope for encroachment is ~~as~~ as follows:

① Ordinance-making and Delegated legislations

② Judicial activism and overreach.

③ Acts that give executive judicial powers.

eg. recent amendments to UAPA that

allows govt. to designate a person as

a terrorist

Remarks

④ Policy making by Judiciary eg. Vishaka Guidelines <sup>1977</sup>.

⑤ Dissolving of legislature by ~~the~~ executive, etc.

The delicate balance is thus needed wherein each performs its duties and is held accountable by the other. eg:

① Judiciary can direct govt. and Legislature to function properly.

② Removal of judges can be done by legislature, ~~at~~ final appointment by Executive.

③ Concept of office of profit and other disqualifications of legislature.

In recent scenario, many instances of encroachment is visible, thus a further push for the balance is needed. eg. Judiciary ~~refuses~~ giving direction to Parliament to make a law.

Remarks

(b) Chief Minister of a state was envisioned to be analogous to the PM at the centre.

In the era of coalitions, this theoretical similarity is seen curtailed because:

① CMs of states are part of party that have coalition ~~as~~ in the central Govt.

~~thus are seen as either being subservient to the PM's decisions or challenging~~

~~the PM's decisions. (e.g. TDP's walkout from the coalition)~~

5/12

② CMs ~~as~~ hold their post as head of a coalition govt., so are ~~seen~~ bending

to the demands of ~~the~~ coalition partners

and is thus not as powerful as the PM.  
eg. Maharashtra Govt. BJP + Shiv Sena.

③ The recent debacle in Karnataka ~~good~~ showcases

the thin line on which a CM's post is

sustained, and ~~constant fall of~~

Govt. due to ~~the~~ coalition is clearly seen.

④ Similar coalition politics is seen to make or break the Govt. in UP, as well.

Remarks

There have thus been suggestions to apply the anti-Defection law to coalitions as well

to reduce the phenomena of holding CM's post

as hostage

(c) Democratic decentralisation follows the principle of subsidiarity where the decisions are taken closest to the people

The 73<sup>rd</sup> & 74<sup>th</sup> CAA was envisaged to usher in democratic decentralisation.

However, it still remains a pipe dream because:

① Lack of functions devolved to PRIs and ULBs by states according to art. 243-G and 243-W.

② Lack of trained officials in these institutions who can cater to local demands efficiently.

③ Lack of devolution of funds by states and centres and the poor functioning

Remarks

of state finance commission.

- (1) Capacity building of Grams Sabhas and PRIs ~~and~~ is not done.
- (2) Citizen involvement in decentralised organisation is not up to the mark.
- (3) Collaborations with NGOs, SHGs, etc is poor.
- (4) District Planning Committee (DPC) ~~and~~ is not set up, or is not working well to bridge socio-economic and rural-urban divide.

Thus, the amendments will only act as a bedrock over which institutional capacity and engagement has to be built.

#### Remarks

- (d) Local administration faces the dual task

of law and order administration and development administration.

#### Law & Order Adm.

- Needed to support developmental activities.
- Maintenance of infrastructure created, needs law & order.
- Improves & investments and people's participation

#### Development Adm.

- Needed to bridge socio-economic gap.
- Needed to reduce tensions which will thus maintain law and order.

• Local aspirations are rising post LPG.

Challenges arise because Analyse w.r.t LPG (4)

- Overburdening of local administrators.
- Efficiency at both compromised.
- Leads to divided loyalty and dedication.

Dedicated agencies are thus needed for each of these functions with the District

Administrators sticking to regulatory functions as was recommended by

2<sup>nd</sup> ARC as well.

#### Remarks

(e) Balwant Rai Mehta Committee was set up to study the Community Development Programme (1952) and its drawbacks.

The committee recognised a vacuum in local governance and thus recommended creation of PRIs:

① 3 tier Panchayati Raj system.

② District collector should head the

Zilla Parishad which acts as the

executive agency. Good

Village  
Block  
Zilla

③ Elections to be conducted to the PRIs.

The first PRI was established there in Nagpur in Maharashtra.

The recommendations were further expanded

and modified by Ashok Mehta Committee,

GVK Rao Committee, LM Singhvi Committee, et.

LM Singhvi Committee first recommended

constitutionalisation of the PRIs.

Thus, the establishment of PRI began

with BR Mehta Committee, but was further

institutionalised by building on the ground

Remarks +

laid by it.

*Remarks**Remarks*

**6. Answer the following questions:**

(a) Special category status has been a recent political tool in the centre-state dynamics.  
Analyse in light of recent events. (250 Words) (25)

(b) "Division of votes is key to a healthy parliamentary system". Discuss.  
(250 Words) (25)

*Remarks*

*Remarks*

GS SCORE

*Remarks*

*Remarks*

*Remarks**Remarks*

7. Answer the following questions:

(a) Introduction of the 3rd tier with regards to governance architecture has greatly impacted the dynamics between Union, State and Local governments. Discuss.  
(250 Words) (25)

(b) Private member bills have rarely mutated to legislations. Analyse the process of such a bill in this light.  
(250 Words) (25)

Remarks +

+ Remarks

*Remarks**Remarks*

*Remarks**Remarks*

*Remarks*

*Remarks*

## 8. Answer the following questions:

- (a) The 73rd Constitutional Amendment ushered in a new era in decentralising the governance landscape. Critically Analyse. (250 Words) (25)

- (b) The evolution of democracy along with successive judgements has reduced the arbitrariness in the role of Governor. Discuss. (250 Words) (25)

The 73<sup>rd</sup> Constitutional Amendment <sup>(1993)</sup> brought in constitutional status to the Panchayati Raj Institutions. PRIs existed from 1952 in many states (Balwantrai Mehta Committee), however its performance in decentralising governance was questioned because:

- ① Irregularities in the presence of PRIs in states.
- ② Elections not held periodically.
- ③ Gram Sabha was not empowered.
- ④ No consistency in number of tiers.
- ⑤ Poor participation of women and SC/ST.

The 73<sup>rd</sup> CAA had certain mandatory provisions, and voluntary provisions to strengthen the PRIs and to formulate them wherever they were absent.

The compulsory provisions ensured:

- ① Constitution of 3-tier PRIs. (certain exceptions <20 Lakh population)
- ② Elections every 5 years to the PRIs.

Remarks

- ③ All members to be directly elected at all levels, and chairmen to be indirectly elected in top two levels.
  - ④  $\frac{1}{3}$ <sup>rd</sup> reservation for women and also for the chairman's post. } 243-D
  - ⑤ Reservation for SC & ST based on the proportion of their population.
  - ⑥ Gram Sabha should include all the registered voters in the village.
- Some of the voluntary provisions were:
- ① Providing representation to local MPs, MLAs
  - ② Reservation for backward classes.
  - ③ State legislatures to give functions to the PRIs (243G)

From the above provisions, it can be gauged that the Amendment brought in a new era in decentralising governance because:

- ① Institutionalisation of local governance occurred.
- ② Women and SC/ST had a mandatory participation in local governance.
- ③ Gram Sabhas were set up which were further used in other schemes, e.g.

Remarks

for social audit in MGNREGA.

⑤ State Finance Commission (243-II) was to be set up for advising on finances.

⑥ The <sup>xi<sup>th</sup></sup> Schedule provided a list of subjects that ~~was~~ was to be transferred to PRIs.

(12)

However, the above changes decentralised the government, but not necessarily the government because:

① Empowerment, enabling and capacity building of gram sabha was not done.

② PRIs face ~~the~~ crunch in functions,

~~functionaries and funds that hinder~~

its role in the governance landscape

③ Presence of ascriptive values in villages

hindered the upliftment of women

and SC/ST, thus concepts like

sarpanch-pati came into being.

④ Lack of dedicated and committed

work force to support the illiterate

Remarks

and less educated rural people.

⑤ Discretion of PRIs is limited as more funds are tied, thus their impact on governance is ~~less~~.

⑥ The Act should have mentioned the cooperation with SHGs and Civil Society Institutions for the cause of governance.

The principle of subsidiarity as enshrined by the 2<sup>nd</sup> ARC has been successfully practised in

some states like Kerala due to its vibrant

SHG culture.

The recent example of Gadchiroli village where women now have 50% representation, also

acts as a positive example.

The constitutional provisions thus only provide a basic framework which must

be built upon, to truly decentralise

the governance landscape.

Remarks

8. (b) The office of Governor has been the most controversial one ~~one~~ in centre-state relations -  
hip.

The arbitrariness surrounding the role of Governor arises due to many reasons:

① Agent of Government or Head of state.

The appointment and removal of the Governor is wholly arbitrary as no details are mentioned in the constitution.

However, court recommendations and Sarkaria and Punchhi commission have

suggested to follow Nehru's Rules of:

(i) Person from outside the state.

(ii) Should not be involved in active politics.

(iii) Should be of eminent stature, etc.

The commissions also noted on the removal

of the Governor that:

(i) It should be reason-backed.

(ii) Impeachment process, like that of President, should be added to the Constitution.

Remarks

+

② Role in Hung Assembly

<sup>CM</sup>

The Governor's choice of ~~PM~~ was arbitrary, but was given direction by SR Bommai case verdict and Sarkaria and Punchhi Commission that:

(i) floor test should decide the sustenance of Govt.

(ii) Governor should not take the task of forming the government, rather should follow the majority's will.

*Highly misuse & give examples*

The order of precedence in forming the Govt. was also stated: *Good effort*

12

(i) Party that has gained majority.

*support.*

(ii) Pre-poll alliance ~~to~~ with majority ~~alliance~~.

(iii) Post-poll coalition with both sides forming govt. *(like Indira, eg. Biju, etc. to Karunanidhi govt.)*

(iv) Post-poll coalition with support from *Central party* outside the Govt.

On recommending imposition of President's Rule

SR Bommai judgement gave a detailed guideline on when such recommendation is valid

and when it is invalid.

Remarks

eg. When no other Govt. can stake claim and Govt. has fell it is valid.

- It is invalid when the Govt. has fallen but Governor does not look for any other alternative.

④ One ~~recommendations~~ reserving a bill for the President

The court judgements and commissions have reiterated that, the Governor should take quick decisions on whether he wants to reserve a bill and the reason for such reservation should also be mentioned before resorting to such an option.

The evolution of our democracy is which different states are ruled by different parties than the centre & made it important for such judgements to be pronounced (plea via PILs as well) and ~~commissions~~ Centre State Relations Commissions

Remarks

to be setup.

The Governors' discretion explicitly mentioned under art 163, should thus be used responsibly in light of the aforementioned judgements and recommendations.

Remarks