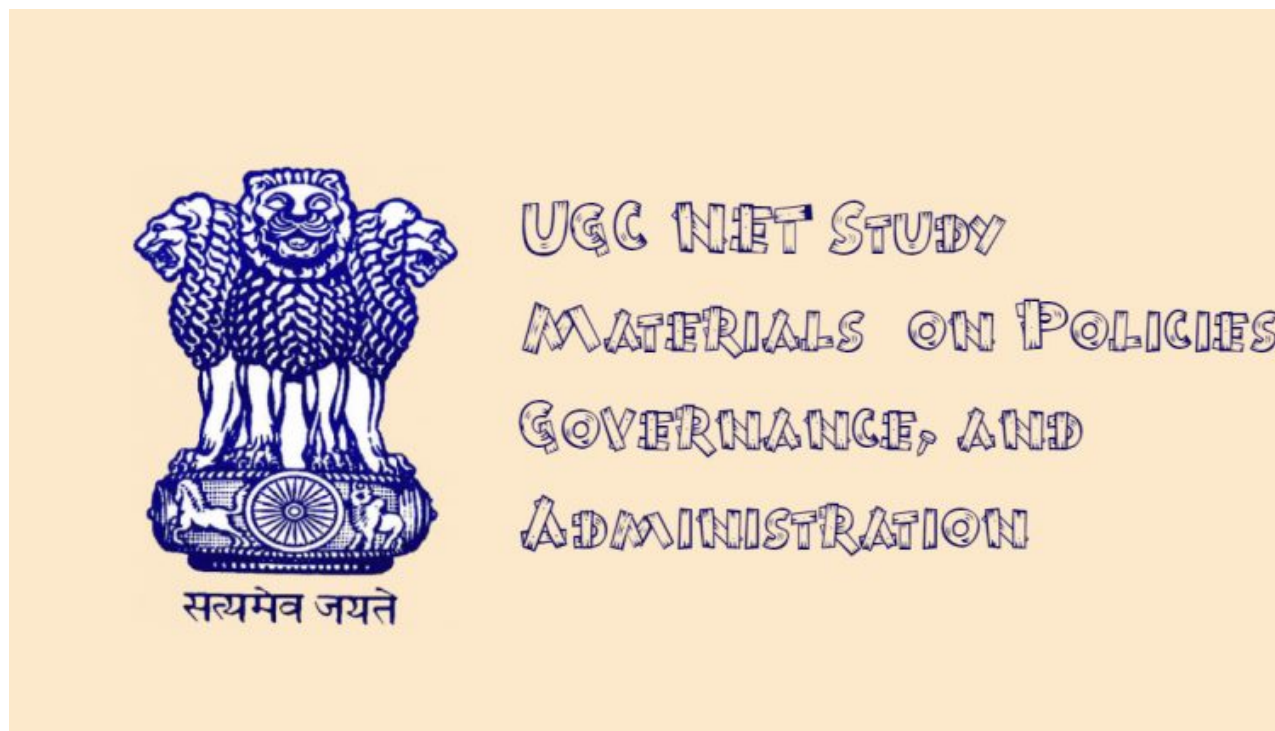


# Important Notes On Policies, Governance, and Administration

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## UGC NET Study Materials Based on Important Topics On Policies, Governance, and Administration

On the basis of last few exam trends we see that every year around 5-6 Question has been asked in UGC PAPER 1 from Study Material for Higher Education System, Governance, Administration.

Most of the Question were asked from Topics based on Higher Education, however questions were also asked based on Policies, Governance, and Administration.

To Cover the entire Policies, Governance Model and administration is beyond the scope of this article and also this is Vast topic for those who are preparing for the IAS Exam. Most of the time 2-3 Question were asked based on below topics.

Key Topics:

- Introduction of Indian constitution & Articles in Our Constitution
- Fundamental rights and duties
- Key points of various administration post
- Details of President Roles & Responsibility
- Details of Vice-President Roles & Responsibility
- Details of Prime-minister

- Apex bodies of Governance like election commission and state governing bodies.
- Important Policy & Schemes of Govt of India

By end of this article you will have good understanding of above mentioned topics. Let's start with important aspects from constitution of INDIA for UGC NET PAPER 1 exam.

## Constitution of India

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The Constitution of India is the supreme law of India. It lays down the framework defining fundamental political principles, establishes the structure, procedures, powers and duties of government institutions and sets out fundamental rights, directive principles and the duties of citizens.

It is the longest written constitution of any sovereign country in the world. The nation is governed on the basis of this Constitution. B. R. Ambedkar is regarded as the chief architect of the Indian Constitution.

At the time of independence in August 15<sup>th</sup> 1947, the State of Jammu and Kashmir decided not to join either India or Pakistan. However, soon Pakistan attempted to annex the State military. Meanwhile, the Maharaja signed the "Instrument of accession" with India along with certain concessions for the autonomy of the State. article 370 in Part XXI of the Indian Constitution grants a special status to Jammu and Kashmir

The Indian constitution is the world's longest constitution. At the time of commencement, the constitution had 395 articles in 22 parts and 8 schedules. It consists of almost 80,000 words. The Constitution, in its current form (September 2012), consists of a preamble, 25 parts containing 448 articles, 12 schedules, 5 appendices and 100 amendments, the latest of which came into force on 1 August 2015.

The Constituent Assembly took 2 years, 11 months and 18 days to frame the Constitution. Originally, the Constitution had 22 parts, 395 articles and 8 schedules. Presently, it consists of 450 articles (divided into 24 parts) and 12 schedules.

[\*\*[Check Updated here](#) ]

## Various sources of our Constitution

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1. **Government of India Act of 1935** – Federal Scheme, Office of Governor, Judiciary, Public Service Commission, Emergency provisions and administrative details.
2. **British Constitution** – Parliamentary System, Rule of law, Lagislative Procedure, Single Citizenship, Cabinet System, Prerogative Writs, Parliamentary Privileges and Bicameralism.
3. **US Constitution** – Fundamental rights, independence of judiciary, judicial review, impeachment of president, removal of Supreme court and high court judges and post of vice president.

4. **Irish Constitution**– Directive Principles of State Policy, nomination of members of Rajya Sabha and method of election of president
5. **Canadian Constitution**– Federation with a strong centre, vesting of residuary power in the centre, appointment of state Governor by the centre and advisory jurisdiction of Supreme Court.
6. **Australian Constitution**– Concurrent list, joint sitting of two houses of Parliament.
7. **Constitution of Germany**– Suspension of fundamental rights during emergency.
8. **French Constitution**– Republic and ideals of liberty, equality and fraternity in the Preamble.
9. **South African Constitution**- Procedure for amendment of the constitution and election of members of Rajya Sabha.
10. **Japanese Constitution**- Procedure established by Law.
11. **Constitution of former USSR**: Procedure of five-year plan, fundamental duties, ideals of justice in Preamble.

## Constitution of India, 1949 Preamble

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WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC, REPUBLIC and to secure to all its citizens:-

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

## Key Points to remember

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- The Indian Constitution is the longest in the world
- It has 448 articles, 12 schedules and 98 amendments. On the other hand, the American constitution is the shortest.
- The Constituent Assembly had 284 members, out of which 15 were women. The Drafting Committee submitted the draft in November 1949, after which they took three more years to complete it
- The Constitution of India was handwritten and calligraphed both in English and Hindi.
- The Indian Constitution has taken various features from other constitutions.

- The concepts of liberty, equality and fraternity were taken from the French Constitution.
- The idea of 5 year plans was taken from the USSR and the concept of socio-economic rights was taken from Ireland.
- Most importantly, the law on which the Supreme Court works was taken from Japan. There are many other concepts that have been borrowed from other countries.
- The Indian Constitution came into force on January 26, 1950.
- R. Ambedkar had a major role to play in the formulation of the Indian Constitution.

## Classification of Fundamental rights

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Originally Constitution provided for seven Fundamental Rights viz.

- Right to equality (Article 14-18)
- Right to freedom (Article 19-22)
- Right against exploitation (Article 23-24)
- Right to freedom of religion (Articles 25-28)
- Cultural & educational rights (Articles 29-30)
- Right to Property (Article 31)[Later It was removed !!]
- Right to constitutional remedies (Article 32).

**At present there are only six Fundamental rights, six fundamental rights are described below in brief.**

Right to Equality

- Article 14 :- Equality before law and equal protection of law
  - Article 15 :- Prohibition of discrimination on grounds only of religion, race, caste, sex or place of birth.
  - Article 16 :- Equality of opportunity in matters of public employment
  - Article 17 :- End of untouchability
  - Article 18 :- Abolition of titles, Military and academic distinctions are, however, exempted
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Right to Freedom	<ul style="list-style-type: none"> <li>● Article 19 :- It guarantees the citizens of India the following six fundamentals freedoms:- <ul style="list-style-type: none"> <li>○ 1. Freedom of Speech and Expression</li> <li>○ 2. Freedom of Assembly</li> <li>○ 3. Freedom of form Associations</li> <li>○ 4. Freedom of Movement</li> <li>○ 5. Freedom of Residence and Settlement</li> <li>○ 6. Freedom of Profession, Occupation, Trade and Business</li> </ul> </li> <li>● Article 20 :- Protection in respect of conviction for offences</li> <li>● Article 21 :- Protection of life and personal liberty</li> <li>● Article 22 :- Protection against arrest and detention in certain cases</li> </ul>
Right Against Exploitation	<ul style="list-style-type: none"> <li>● Article 23 :- Traffic in human beings prohibited</li> <li>● Article 24 :- No child below the age of 14 can be employed</li> </ul>
Right to freedom of Religion	<ul style="list-style-type: none"> <li>● Article 25 :- Freedom of conscience and free profession, practice and propagation of religion</li> <li>● Article 26 :- Freedom to manage religious affairs</li> <li>● Article 27 :- Prohibits taxes on religious grounds</li> <li>● Article 28 :- Freedom as to attendance at religious ceremonies in certain educational institutions</li> </ul>
Cultural and Educational Rights	<ul style="list-style-type: none"> <li>● Article 29 :- Protection of interests of minorities</li> <li>● Article 30 :- Right of minorities to establish and administer educational institutions</li> <li>● Article 31 :- Omitted by the 44th Amendment Act</li> </ul>
Right to Constitutional Remedies	<ul style="list-style-type: none"> <li>● Article 32 :- The right to move the Supreme Court in case of their violation (called Soul and heart of the Constitution by BR Ambedkar )</li> <li>● Forms of Writ check</li> <li>● Habeas Corpus :- Equality before law and equal protection of law</li> </ul>

## Fundamental Duties in the Indian Constitution

- Fundamental duties in Indian constitution are based on Japanese model. Ten duties in the the Indian Constitution were included in the Indian Constitution by 42nd amendment act, 1976 on the basis of Swarn Singh Committee. Eleventh duty was added by 86th Amendment act, 2002.
- Fundamental rights and fundamental duties are co-relative. 11 Fundamental Duties of the citizens towards the State have been enumerated in Article 51-A in part-IV A of our Constitution.
- There is no provision in the Indian constitution for direct enforcement of any of these duties nor any sanction to prevent their violation.

- supreme Court pointed out the foundation of the “composite culture’ expressed in clause (f) of article 51-A in the Sanskrit language and literature.

## **list of fundamental duties for citizens**

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1. To abide by the Indian Constitution and respect its ideals and institutions, the National Flag and the National Anthem.
2. To cherish and follow the noble ideals of the freedom struggle.
3. To uphold and protect the sovereignty, unity and integrity of India.
4. To defend the country and render national service when required.
5. 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.
6. To value and preserve the rich heritage of our composite culture.
7. To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.
8. To develop the scientific temper, humanism and the spirit of inquiry and reform.
9. To safeguard public property and to abjure violence.
10. 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.
11. Who is a parent or guardian to provide opportunities for education to his child or ward, as the case may be, between the age of six and fourteen years.

list of fundamental duties for citizens

## **President**

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Articles 52 to 153 of the Constitution deal with the Union executive. The Union executive consists of the President, the Vice-President, the Prime Minister, the council of ministers and the attorney general of India. The President is the head of the Indian State. He is the first citizen of India.

Impeachment of President: The President can be removed from office by a process of impeachment for ‘violation of the Constitution’. The impeachment charges can be initiated by either House of Parliament. These charges should be signed by one-fourth members of the House (that framed the charges), and a 14 days’ notice should be given to the President.

### **The executive powers and functions of the President are:**

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- All executive actions of the Government of India are formally taken in his name.
- According to article 75 he appoints the Prime Minister of India and according to Article 77 with consent of the Prime Minister he appoints the other ministers. They hold office during his pleasure.

- He appoints the Attorney-General of India, the Comptroller and Auditor General of India, the Chief Election Commissioner and other Election Commissioners, the chairman and members of the Union Public Service Commission, the governors of states, the chairman and members of Finance Commission, and administrators of UTs and so on.

## Legislative powers

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*The President is an integral part of the Parliament of India, and enjoys the following legislative powers.*

- He can summon or prorogue the Parliament and dissolve the Lok Sabha. [Art. 85]
- He can also summon a joint sitting of both the Houses of Parliament, which is presided over by the Speaker of the Lok Sabha. [Art. 108]
- He can address the Parliament at the commencement of the first session after each general election and the first session of each year. [Art. 87]
- He can send messages to the Houses of Parliament, whether with respect to a bill pending in the Parliament or otherwise.
- He can appoint any member of the Lok Sabha to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant. Similarly, he can also appoint any member of the Rajya Sabha to preside over its proceedings when the offices of both the Chairman and the Deputy Chairman fall vacant.
- He nominates 12 members of the Rajya Sabha from amongst persons having special knowledge or practical experience in literature, science, art and social service.[Art. 80(1)]
- The President is empowered to nominate not more than two Anglo-Indian members to the Lok Sabha, if that community is not adequately represented in that House.[Art. 331]

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

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1. When a bill is sent to the President after it has been passed by the Parliament, he can give his assent, withhold his assent or return the bill for reconsideration of the parliament. However, if the bill is passed again by the Parliament, with or without amendments, the President has to give his assent to the bill.
2. When a bill passed by a state legislature is reserved by the governor for consideration of the President, the President can give his assent, withhold it or direct the governor to return the bill (if it is not a money bill) for reconsideration of the state legislature. It should be noted here that it is not obligatory for the President to give his assent even if the bill is again passed by the state legislature and sent again to him for his consideration.
3. According to Article 123, he can promulgate ordinances when the Parliament is not in session. An ordinance issued under Art. 123 must receive approval of Parliament (both the houses) within six weeks of reassembly of the parliament.

**Veto power of the President:** A bill passed by the Parliament can become an act only if it receives the assent of the President. However, the President has the veto power over the bills passed by the Parliament, i.e. he can withhold his assent to the bills.

**Absolute Veto:** It refers to the power of the President to withhold his assent to a bill passed by the Parliament. The bill then ends and does not become an act. Usually, this veto is exercised in the following two cases:

With respect to private members' bills; and With respect to the government bills when the cabinet resigns (after the passage of the bills but before the assent by the President) and the new cabinet advises the President not to give his assent to such bills.

**Suspensive Veto:** The President exercises this veto when he returns a bill for reconsideration of the Parliament. However, if the bill is passed again by the Parliament with or without amendments and again presented to the President, it is obligatory for the President to give his assent to the bill. The President does not possess this veto in the case of money bills.

## **Vice-President**

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The Vice-President occupies the second highest office in the country. He is accorded a rank next to the President in the official warrant of precedence. Election He is elected by the members of an electoral college consisting of the members of both Houses of Parliament.

Thus, this electoral college is different from the electoral college for the election of the President in the following two respects:

- It consists of both elected and nominated members of the Parliament.



- It does not include the members of the state legislative assemblies.

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

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

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

The oath of office to the Vice-President is administered by the President or some person appointed in that behalf by him.

The Vice-President holds office for a term of five years from the date on which he enters upon his office. However, he can resign from his office at any time by addressing the resignation letter to the President. He can also be removed from the office before completion of his term. A formal impeachment is not required for his removal. He can be removed by a resolution of the Rajya Sabha passed by an absolute majority.

On the vacancy of the post of the Vice-President, whether by death, resignation or otherwise, the Deputy Chairman of the Rajya Sabha takes charge until a Vice-President is elected and takes charge.

### **The executive powers and functions of the Vice-President are:**

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The functions of Vice-President are twofold:

- He acts as the ex-officio Chairman of Rajya Sabha. In this capacity, his powers and functions are similar to those of the Speaker of Lok Sabha.
- He acts as President when a vacancy occurs in the office of the President due to his resignation, removal, death or otherwise. He can act as President only for a maximum period of six months, within which a new President has to be elected.
- Further, when the sitting President is unable to discharge his functions due to absence, illness or any other cause, the Vice-President discharges his functions until the President resumes his office.
- While acting as President or discharging the functions of President, the Vice-President does not perform the duties of the office of the chairman of Rajya Sabha. During this period, those duties are performed by the Deputy Chairman of Rajya Sabha.

- If the offices of both the President and the Vice-President fall vacant by reason of death, resignation, removal etc the Chief Justice of India or in his absence the seniormost judge of the Supreme Court acts as President.

*For the first time, during the 15-day visit of Dr. Rajendra Prasad to the Soviet Union in June 1960, the then Vice-President Dr. Radhakrishnan acted as the President. For the first time, in 1969, when the President Dr. Zakir Hussain died and the Vice-President V.V. Giri resigned, the Chief Justice Md. Hidayatullah acted as President.*

## **Prime Minister**

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In the scheme of parliamentary system of government provided by the Constitution, the President is the nominal executive authority and Prime Minister is the real executive authority. The President is the head of the State while Prime Minister is the head of the government.

Appointment of the Prime Minister Article 75 says that the Prime Minister shall be appointed by the President. The President appoints the leader of the majority party in the Lok Sabha as the Prime Minister. But, when no party has a clear majority in the Lok Sabha, then the President may exercise his personal discretion in the selection and appointment of the Prime Minister.

The term of the Prime Minister is not fixed and he holds office during the pleasure of the President. So long as the Prime Minister enjoys the majority support in the Lok Sabha, he cannot be dismissed by the President. However, if he loses the confidence of the Lok Sabha, he must resign or the President can dismiss him.

## **Powers and functions of Prime Minister**

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

- He recommends persons who can be appointed as ministers by the President.
- He can recommend dissolution of the Lok Sabha to the President at any time.
- He is the chairman of the Planning Commission, National Development Council, National Integration Council, Inter-State Council and National Water Resources Council.

## **Central Council of Ministers**

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**As the Constitution of India provides for a parliamentary system of government modelled on the British pattern, the council of ministers headed by the prime minister is the real executive authority in our politico-administrative system.**

The principles of parliamentary system of government are not detailed in the Constitution, but two Articles (74 and 75) deal with them in a broad, sketchy and general manner. Article 74 deals with the status of the council of ministers while Article

75 deals with the appointment, tenure, responsibility, qualification, oath and salaries and allowances of the ministers.

- **Article 74** – There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President, who shall, in the exercise of his functions, act in accordance with such advice.
- **Article 75** – The Prime Minister shall be appointed by the President and the other ministers shall be appointed by the President on the advice of the Prime Minister. The total number of ministers, including the Prime Minister, in the Council of Ministers shall not exceed 15% of the total strength of the Lok Sabha. [91st Constitutional Amendment Act, 2003] The council of ministers shall be collectively responsible to the Lok Sabha.
- A person who is not a member of either House can also become a minister but he cannot continue as minister for more than six months unless he secures a seat in either House of Parliament (by election/nomination). [Art. 75(5)]

The council of ministers consists of three categories: cabinet ministers, ministers of state, and deputy ministers.

- **Cabinet Ministers:** The cabinet ministers head the important ministries of the Central government like home, defence, finance and external affairs.
- **Ministers of State:** The ministers of state can either be given independent charge of ministries/departments or can be attached to cabinet ministers.
- **Deputy Ministers:** The deputy ministers are not given independent charge of ministries/departments and always assist the Cabinet or State Minister or both. They are not members of the cabinet and do not attend cabinet meetings. Minister may be taken from members of either House and minister who is member of one House has the right to speak and take part in the proceedings of the other House but cannot vote in the House of which he is not member. [Art. 88]. If the Prime Minister resigns or passes away, the entire ministry goes out automatically.

### **Important –**

So far we have covered below important topics ...rest of other are separated into different post. You can read details on those following the link below.

- Introduction of Indian constitution & Articles in Our Constitution
- Fundamental rights and duties
- Key points of various administration post
- Details of President Roles & Responsibility
- Details of Vice-President Roles & Responsibility
- Details of Prime-minister