

# AswaTh Education

## Political and Administrative System of Rajasthan

RAS | RJS | PSI |  
RAJASTHAN COMPETITION EXAM

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# Political and Administrative System of Rajasthan

## As per RPSC, RAS Syllabus 2021

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# **State Political System**

**Governor**

**Chief Minister and Council of Ministers**

**Legislative Assembly**

**High Court**

## Governor

### Introduction

1. Article 153 to 167 in Part VI of the Constitution deals with the State Executive. The state executive consists:
  - a. Governor
  - b. CM
  - c. Council of Minister
  - d. Advocate General of the State
2. Governor performs dual Role:
  - a. He is the chief executive head of the State.
    - i. Article 154: The executive power of the state shall be vested in the hand of the Governor.
  - b. He also acts as an Agent of the Central Government.
3. There is provision of having a Governor for each state in Article 153.
  - a. 7th Constitutional Amendment Act of 1956, provides that a person can be appointed as a Governor of more than one state.

### Appointment of Governor

1. He/she is appointed by the president by warrant under his hand and seal(Article 155).
  - a. Note:
    - i. The Supreme Court in 1979, stated that the office of a governor is not an employment under the Central government. It is an independent constitutional office.
    - ii. He is neither directly elected by the people nor indirectly elected by a specially constituted electoral college as in the case with the president elected.
2. Appointment process of Governor was taken from the Canadian model, where the governor of a province(state) is appointed by the Governor-General (centre).

### Qualification

1. There are only two qualifications in the constitution for appointment of a person as a governor.(Article 157)
  - a. He should be a citizen of India.
  - b. He should have completed the age of 35 years.

### Tenure

1. 5 years

2. The governor has no security of tenure and no fixed term of office. He may be removed by the president at any time.
3. The Constitution does not maintain any removal process for the governor, so it depends upon the pleasure of the Governor.
4. Governors whose term has expired may be reappointed in the same state or any other state.

## Conditions of Governor's office

1. Constitutional Conditions:
  - a. Not to be a member of either House of Parliament or a House of State legislature.
  - b. Not hold any other office of profit
  - c. He is entitled without payment of rent to use his official residence.
  - d. When the same person is appointed as the governor of two or more states, the emolument and allowance payable to him are shared by the state in such proportion as determined by the president.

## Salary

1. Decided by parliament
2. Charged by the Consolidated fund of India

## Oath

1. Governor Swears :
  - a. To faithfully execute the office,
  - b. To preserve, protect and defend the constitution and the law and
  - c. To devote himself to the service and well-being of the people of the state.

Note:

1. Oath of office of governor is administered by the **Chief Justice of the High Court** of the concerned state and in the absence, the senior-most judge of the High court.

## Power of Governor

1. Power of Governor are as follow:
  - a. Executive Power
  - b. Legislative Power
  - c. Financial Power
  - d. Judicial Power
  - e. Discretionary Power

## Executive Power

1. All executive actions of the government of a state are formally taken in the Governor's name.
2. He appoints prominent posts in the State:
  - a. CM and other ministers ( Article 164 )
    - i. Hold office during his pleasure
  - b. Tribal Welfare Minister for 4 states namely, Chhattisgarh, Jharkhand, Madhya Pradesh and Odisha. (not in Rajasthan)
  - c. Advocate General of State ( Article 165 )
    - i. Hold office during his pleasure
  - d. Chairman of State Finance Commission( Article 243 I )
  - e. State Election Commissioner ( Article 243 K )
    - i. SEC can be removed only in like manner and on the grounds as a judge of HC.
  - f. Chairman and member of SPSC ( Article 316 )
    - i. They can only removed by the president not by Governor
  - g. Vice-Chancellors of Universities in the State
  - h. State Information Commissioner
  - i. State Women's Commission
  - j. State Lokayukta

## Note

1. Article 166:
  - a. Governors can make rules for more convenient transactions of the business of a state government.
2. Article 167:
  - a. Governor can seek any information relating to the administration of the affairs of the state and proposals for legislation from the CM.

## Legislative Power

1. Article 174
  - a. The Governor can summon or prorogue the state legislature and dissolve the state legislative assembly.
2. Article 175
  - a. The Governor can send a message about the Bill pending in either house.
3. Article 176
  - a. The Governor addresses the state legislature at the commencement of the 1st season after each GE ( General election ) and the 1st session of each year.

4. The Governor appoints any member of the LA ( Legislative Assembly ) to preside over its proceedings when the offices of both speaker and Deputy speaker fall vacant.
  - a. He has the same power in respect to LC ( Legislative Council ) for the appointment of Chairman & Deputy Chairman when the office falls vacant.
5. The Governor nominates "1"(one) member in the LA from the Anglo-Indian Community.
6. Article 213 of the Constitution of India provides Ordinance Power to the Governor.
  - a. He can promulgate ordinance when the state legislature is not in session.
  - b. Ordinance must be approved by the legislature within 6 weeks from its reassembly.
  - c. Note:
    - i. His Ordinance making power is not discretionary in nature, means he can promulgate or withdraw an ordinance only on the advice of the council of ministers headed by the CM.
7. He lays a report relating to the accounts of the state, before the state legislature.
  - a. State finance commission report
  - b. State public service commission report
  - c. Comptroller and auditor general report
8. Article 200:
  - a. He enjoys following power regarding bills passed by the state legislature.
    - i. Assent to the Bill
    - ii. Withhold his assent to the Bill
    - iii. Return the Bill ( if it is not a money bill) for reconsideration of the State Legislature.
      1. If the bill returns with or without amendment, the governor must give his assent. Thus, the governor enjoys only a 'Suspensive Veto'.
    - iv. Reserve the bill for consideration of the president.
      1. Note: Reserving bill for consideration of the president is obligatory where the bill passed by State legislature endangers the position of state HC , also he can reserve the bill for following provisions:



- a. If the bill is against the provision of the Constitution of India.
- b. Against the larger Interest of the Country
- c. Dealing with compulsory acquisition of property under Article 31A of the constitution.

## Note:

1. Article 171(3)(E)
  - a. In a bicameral legislature, the Governor can appoint 1/6th from total members in the Legislative Council of state, having special knowledge or practical experience in the field of Literature, Science, Art, Cooperative movement and Social service.
    - i. Note:
      1. Bicameral legislature means both Legislative Assembly and Council in the State.
      2. Rajasthan has only Legislative Assembly, so this is not performed in Rajasthan state.

## Financial Power

1. Article 202 K: Annual Financial Statement/State Budget
  - a. He sees that the budget laid before the State Legislature.
2. Money Bill
  - a. Introduced in the State Legislature only with his prior recommendation.
3. Demand for Grant
  - a. Issued only by the approval of Governor
4. Finance Commission
  - a. He constituted FC after every 5 years to review the financial position of the panchayats and municipalities.
5. He has power to make advances out of the Contingency Fund of the state to meet unforeseen expenditure.

## Judicial Power

1. Article 161
  - a. He/she can Grant Pardons, reprieve, respite and remissions of punishment or suspend, remit and commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the state extends.

- i. Note:
  1. He cannot pardon a death sentence.
  2. He has no power regarding any Military action.
2. Article 217
  - a. He is consulted in the appointment process of HC Judges of State by the president.
3. Article 233
  - a. He makes appointments, postings and promotions of District Judges.
4. Article 234
  - a. In consultation with State HC and SPSC, he appointed persons to the judicial services of the state (other than district judges).

## **Discretionary Power**

1. Article 163(1):
  - a. There shall be a council of Ministers with the chief Minister at the head to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this constitution required to exercise his functions or any of them at his discretion.
2. Article 163(2):
  - a. If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Constitution required to act in his discretion, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion.
3. Constitutional Discretion
  - a. Article 200:
    - i. He can reserve any bill for the consideration of the President.
  - b. Article 167(c):
    - i. If any decision is taken by any minister without referring to the Council of Ministers, then the Governor can call it for his consideration.
  - c. Article 365:
    - i. On grounds of constitutional failure in the state, the Governor can recommend to the President for emergency.

## Sarkaria Commission - 1983

1. The Commission felt that the State Government should be given prominence in appointing the Governor. The appointment should be made
  - a. From a panel to be prepared by the State Legislature; or
  - b. From a panel to be prepared by the State Government or invariably by the Chief Minister.
2. The commission recommended that the Vice President of India and the Speaker of the Lok Sabha should be consulted by the prime minister in the selection of governor. Such consultation, the commission felt, will greatly enhance the credibility of the selection process.

## Punchhi Commission - 2007

1. The Governor should be appointed on the recommendation of a committee whose members:
  - a. Prime Minister
  - b. Chairman of the Lok Sabha
  - c. Home Minister and
  - d. Chief Minister of the concerned State
2. The Governor should be removed prematurely by impeachment in the State Legislative Assembly.

## Former & Present Governors

1. First Governor of Rajasthan:
  - a. Gurumukh Nihal Singh(1/11/1956-15/4/1962)
2. Women Governors of Rajasthan:
  - a. Pratibha Patil (2004-07)
    - i. Resignation
    - ii. She was the first woman governor of Rajasthan
  - b. Prabha Rao (2007-10)
    - i. Died
  - c. Margrett Alva (2012-2014)
3. Present ( 21st ) Governor of Rajasthan: Aug 27, 2021
  - a. Kalraj Mishra ( 9/9/2019 - Continue )
    - i. Previous Post:
      1. Governor of Himachal Pradesh(2019)
      2. Member of Lok Sabha(2014-19)
    - ii. Book: Judicial accountability
  - b. Recent News: ( 1st July 2021)
    - i. “ कलराज मिश्र निमित्त मात्र हूँ “ Book



- 1.
2. Book publish on 1st July 2021
3. Biography of Kalraj Mishra described in this book
4. Writers:
  - a. Dr D K Takhnet
  - b. Govind Ram Jaiswal