

# AswaTh Education

## Political and Administrative System of Rajasthan

RAS | RJS | PSI |  
RAJASTHAN COMPETITION EXAM

( Medium - English V1.0.0 )

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# Political and Administrative System of Rajasthan

## As per RPSC, RAS Syllabus

### Syllabus

#### State Political System:

1. Governor
2. Chief Minister and Council of Ministers
3. Legislative Assembly
4. High Court

#### Administration System:

1. District Administration
2. Local Self Government and Panchayati Raj Institutions

#### Institutions:

1. Rajasthan Public Service Commission
2. State Human Rights Commission
3. Lokayukta
4. State Election Commission
5. State Information Commission

#### Public Policy & Rights:

1. Public Policy
2. Legal Rights and Citizen's Charter

<b>State Political System</b>	<b>3</b>
Governor	3
Chief Minister and Council of Ministers	3
Legislative Assembly	3
High Court	3
Governor	3
Introduction	3
Appointment of Governor	3
Qualification	4
Tenure	4
Conditions of Governor's office	4
Salary	5
Oath	5
Power of Governor	5
Executive Power	5
Legislative Power	6
Note:	9
Financial Power	9
Judicial Power	9
Discretionary Power	10
Sarkaria Commission - 1983	10
Punchhi Commission - 2007	13
Former & Present Governors	13
Chief Minister and Council of Ministers	13
Introduction	14
Appointment of CM	14
Qualification	15
Oath	15
Tenure	15
Salary	15
CM's Power and Function	15
With Council of Ministers	15
With State Legislature	15
With the Governor	16
CM's of Rajasthan	16
Ashok Gehlot	17
State Council of Ministers	18
Introduction	18
Article 163	18
Article 164	18

Article 167 : Duties of CM	19
Article 177: Rights of Ministers as Respects the House	19
Responsibility of Ministers	20
Composition of the CoM at State level	21
Cabinet	21
Cabinet Committees	22
Legislative Assembly	22
Introduction	22
Legislative Assembly( or Vidhan Sabha )	23
Qualification of Members	23
Disqualification of members	23
Disqualification on Ground of Defection(Schedule 10):	23
Duration of Legislative Assembly	23
Quorum of the House	24
Session of LA	24
Presiding Officers of State Legislature Assembly(article 178)	26
Powers of Legislative Assembly	26
Bill's Power	26
Executive Power	27
Electoral Power	27
Finance Power	27
Administration Power	27
Important Information	27
Rajasthan Legislative Assembly/Vidhan Sabha(from 1952 to present):	28
Important Information regarding Legislative Assembly(Present)	29
Rajasthan High Court	30
Introduction	30
Qualification	30
Oath	31
Appointment	31
Tenure	31
Removal of Judges	32
Salaries and Allowances	32
Acting Chief Justice	33
Jurisdiction and Power of HC	33
Original Jurisdiction	33
Writ Jurisdiction:	34
Appellate Jurisdiction:	34
Supervisory Jurisdiction:	37
Control over Subordinate Courts	37

Court of Record	39
Power of Judicial Review:	39
Subordinate Courts	40
Introduction	40
Constitutional Provisions	41
District Judge/Session Judge	41
Subordinate Judge Court	42
Chief Judicial Magistrate Court	42
Lower Level Courts	42
Panchayat Court	42
CJ's of Rajasthan HC	42
<b>Administration System</b>	<b>42</b>
District Administration	42
Local Self Government	42
Panchayati Raj Institutions	42
District Administration	42
District Administration: Structure	42
Divisional Commissioner ( or Commissioner of Division )	43
Introduction	43
Who deserves a DC post?	44
Commissionerate	44
Introduction	44
Former and Present Police Commissioner	44
Power, Function and Role of DC	44
District Collector	45
Introduction	45
Appointment	45
Power, Role and Function performed by District Collector are as follow:	45
Superintendent of Police(SP)	47
Introduction:	47
Appointment	47
Power and Duties	47
Sub Divisional Officer(SDO)	50
Introduction	50
Appointment	51
Function, Power & Role	51
Tahsildar	52
Introduction	52
Power, Role and Function	53
Patwari	53

Introduction	53
Recruitment Process	53
Appointment	53
Power of DC, Collector and Board of Revenue	53
Function, Power and Role	53
Local Self Government	54
Introduction	54
Panchayati Raj Institutions ( PRI )	54
Evolution of PRIs:	54
Effort by the Government for giving constitutional status to PRIs	56
73rd Constitutional Amendment Act - 1992	57
Features of the 73rd CAA - 1992	57
State Finance Commission ( Article 243 I )	58
Eleventh Schedules	59
Provisions in CAA -1992	61
PESA Act - 1996 (Extension Act)	62
State Finance Commission ( Article 243 I )	62
Important Information	62
Urban Local Self Government	63
Introduction	63
74th Amendment Act - 1992	63
Types of Urban Local Bodies	63
Municipal Corporation/Nagar Nigam	63
Municipal Council/Nagar Parishad	63
Municipality/Nagarpalika	63
Notified Area Committee	64
Cantonment Board	64
Port Trust	64
<b>Institutions</b>	<b>64</b>
Rajasthan Public Service Commission	64
State Human Rights Commission	64
Lokayukta	64
State Election Commission	64
State Information Commission	64
Rajasthan Public Service Commission	64
Introduction	64
Composition & Appointment	65
Tenure	65
Qualification	66
Acting Chairman	66

Removal Procedure	66
Mis-behaviour Conduct	66
Salary	67
Independence	67
Functions and Power of RPSC	67
Source of Power of RPSC	68
Other Important facts regarding RPSC	68
Important Information	68
Present Chairman	68
Members	68
Present Secretary	69
State Human Rights Commission	69
Introduction	69
Composition	70
Qualification	70
Appointment	71
Tenure	72
Removal	72
Objective and Functions	72
In the following condition complaint not accepted by the SHRC	73
Important Information	73
Lokayukta	74
History of Lokayukta	74
Introduction	75
Appointment	75
Oath	75
Qualification	75
Tenure	75
Salary	75
Investigation and scope of case covered	75
Removal	76
Modus Operandi	76
Powers of Lokayukta	78
Procedure for investigation and investigation	79
There is no complaint against them in this institute: -	81
Annual report	81
Lokayukta Secretariat	81
Important Information	81
State Election Commission	81
Introduction	81

Qualification	83
Appointment	83
Tenure	83
Removal	83
Salary	83
Important Information	83
State Information Commission	83
Introduction	83
Composition	83
Appointment	83
Tenure	83
Salary	83
Removal	83
Power and Function	84
Report	85
Important Information	85
<b>Public Policy &amp; Rights</b>	<b>85</b>
Public Policy	85
Legal Rights	85
Citizen's Charter	85
<b>Public Policy(PP)</b>	<b>85</b>
Introduction	85
Development of PP	85
Relationship between Politics and PP	86
Definition of PP	87
Policy and Goals	89
Policies and Decisions	90
Characteristics of PP making	92
Types of PP ✓	96
Stages in PP process	97
Growing importance of PP	97
<b>Legal Rights</b>	<b>100</b>
Definition of LRs	100
Legal Rights in India	100
Right to Information	101
Right to Information Act, 2005	101
Rajasthan Right to Information Act, 2000	102
Rajasthan Guaranteed Delivery of Public Services Act, 2011	106
Provisions of RGPSG Act	107
Right of Children to Free and Compulsory Education, 2009 ( RTE )	108



Provision of the RTE Act	108
The Mahatma Gandhi National Rural Employment Guarantee Act, 2005	109
Objective of the Act	109
MGNREGA Goals	110
Features of the Act	110
Rajasthan Right to Hearing Act, 2012	112
Features of the Right to Hearing Act, 2012	112
The Pre-conception and Pre-natal Diagnostic Techniques(Prohibition of Sex Selection) Act, 1994	112
The Medical Termination of Pregnancy Act, 1971	113
Protection of Women from Domestic Violence Act, 2005	114
Domestic violence ?	114
Who is covered under the Act?	115
Who can file a complaint?	115
Against whom can a complaint be filed?	115
To whom can information be given or a complaint be made?	115
Domestic relationship?	115
Shelter home and Medical Aid	115
Who can file an application to the magistrate	116
Magistrate Power under the Act	116
Important Judicial Judgments	116
Shalu Bansals Case Delhi	116
Surekha Mote vs. State of Maharashtra High Court of Bombay	116
Consumer Protection Act, 1986	117
Objectives	118
Act 68 OF 1986	118
The Child Marriage Restraint Act, 1929 (Amendment 1976)	118
The Dowry Prohibition Maintenance of Lists of Presents to the Bride and Bride Groom Rules, 1985	118
Law in brief	119
Complaint Under which Section	120
Whom to complain / where to complain?	120
Section 46 of the CrPC lays down the period of limitation as follows	120
How to file the Case ?	121
What Next ?	121
The Maternity Benefit Act, 1961	121
Employment of, or work by, women prohibited during certain period	122
Object of the Maternity Benefit Act, 1961	122
Establishments are covered by the Act:	122
Section 2 of the Act	123
The Equal Remuneration Act, 1976	124

Provision of the ACT	124
Punishments and penalties	125
Claims and Complaints:	125
Conclusion	125
Juvenile Justice (Care and Protection of Children) Act, 2000	126
Provisions of the ACT	126
Role of State Governments	128
Institutional Care	130
Children in Conflict with Law	130
Children in Need of Care and Protection	131
Punishment for Offences Against Children	132
Rehabilitation and Social Reintegration	132
Monitoring	133
Child Labour (Prohibition and Regulation) Act, 1986	133
Child Labour(Prohibition and Regulation) Amendment Rules, 2017	133
Child Labour (Prohibition & Regulation) Amendment Act, 2016	133
Child Labour (Prohibition and Regulation) Act 1986	133
Constitutional Provisions for Child Upliftment	134
Legislative Provisions Prohibiting and Regulating Employment of Children	134
ILO core conventions related to Child Labour	134
National Policy on Child Labour	136
Right to Education Bill	137
Rehabilitation of Children Working in Hazardous Occupations	137
Maintenance and Welfare of Parents and Senior Citizens Act, 2007	137
Definitions	137
Maintenance of Parents and Senior Citizens	138
Jurisdiction and Procedure	138
Power of State Government to make rules	139
National Food Security Bill - 2011	140
Key Issues and Analysis	140
Citizen Charter	140
Introduction	140
Origin and Principle	141
Indian Scene	142
Evaluation of Citizens' Charters	142
Key recommendations	143
Framework & Components	143
Vision Statement	144
Mission Statement	144
Identification of Services	144

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# **State Political System**

**Governor**

**Chief Minister and Council of Ministers**

**Legislative Assembly**

**High Court**

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## **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.
  - b.

## 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 President.
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 upon 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

## Chief Minister and Council of Ministers

<b>CM Designations</b>	<b>Board/Commissions</b>
Chairman	State Planning Board
Vice-Chairman(Rotation)	Zonal Council
Member	Inter-State Council(headed by PM)
Member	National Development Council (headed by PM)
Chief Spokesman	State Government
Manager-in-chief	During Emergencies
Political Head	Services