SECTION - I
Answer the following questions in about 500 words each. Marks

1) Discuss the significance and functions of the Prime Minister’s Office.

Ans : The most significant change is probably the way Prime Ministers have become more interventionist in the running of Departments and their individual policies. Rather than intervening only on major issues of policy or strategy, or where Departments were in disagreement, the Prime Minister (or those acting in his or her name) routinely comment on or change policies that are solely matters for a single Department. Several units have been set up over the years to carry out intervention and scrutiny in different forms (Policy Unit, Delivery Unit, Strategic Communications Unit, and so on) but these remain unaccountable, with overlap with the Cabinet Office and Treasury and collectively risk undermining the effectiveness of individual Departments. The PMO provides secretarial assistance to the Prime Minister. It is headed by the Principal Secretary to the Prime Minister. The PMO includes the anti-corruption unit and the public wing dealing with grievances. The office houses the Prime Minister and few selected officers of Indian Civil Service who work with him to manage and coordinate government and his office. The Prime Minister through his office coordinates with all ministers in the central union cabinet, minister of independent charges and governors and ministers of state government. The PMO is located at the South Block of the Secretariat Building.

The subject-matter of files required to be submitted to the Prime Minister depends on whether he is holding direct charge of the Ministry or whether there is a Cabinet Minister or Minister of State (Independent Charge) in charge of the Ministry. In the case of the latter, most matters are dealt with by the Cabinet Minister / Minister of State-in-charge. Only important policy issues, which the Minister concerned feels should be submitted to the Prime Minister for orders or information, are received in the PMO.

Important defence-related issues;
Decorations, both civilian and defence, where Presidential approval is required;
All important policy issues;
Proposals for appointment of Indian Heads of Missions abroad and requests for grant of agreement for foreign Heads of Missions posted to India;
All important decisions relating to the Cabinet Secretariat;
Appointments to State Administrative Tribunals and the Central Administrative Tribunal, UPSC, Election Commission, Appointment of members of statutory/constitutional Committees, Commissions attached to various Ministries;
All policy matters relating to the administration of the Civil Services and administrative reforms;
Special Packages announced by the Prime Minister for States are monitored in the PMO and periodical reports submitted to Prime Minister; and
All judicial appointments for which Presidential approval is required.

2) Examine the various facets of centre-state administrative relations.

Ans : In the sphere of administrative relations also the Constitution shows a distinct leaning in favour of the Union. It provides for a dual polity. Each State has its own government and administration which exercises administrative powers in respect of the subjects enumerated in the State List. The Union Government has exclusive administrative jurisdiction over the subjects of the Union List and the residuary subjects. The Constitution provides for concurrent administrative jurisdiction to the Union and the States over the subjects of the Concurrent List.

Part XI, Chapter II of the Constitution, lays down the administrative relations between the Union and States. When we analyse these provisions we find that in the sphere of administrative relations also the Union enjoys a superior position vis-a-vis the States.

1. Appointed Governors:
Each State has a Governor who acts as the Head of the State. The President has the power to appoint, transfer or dismiss the Governor of a state. While appointing the Governor, the Presidents consult the State Chief Minister, but the advice is not always binding upon him.

The Governor acts in a dual capacity:
(i) As the agent of the Centre in the State, and
(ii) As Head of State administration.

Normally, he acts as a constitutional head. However, during a constitutional emergency, he becomes a real head of the State administration. In a national emergency the President can give any direction or order to the Governor and it becomes his responsibility to secure the enforcement of the order in the State.

2. Obligation of each State towards the Union:
The Constitution lays do that the executive power of every State is to be so exercised as to ensure compliances with the laws made by the Union Parliament.

3. Control of the Union over States in certain cases:
It has been laid down that the executive power of every State shall be exercised in such a manner as shall not impede or prejudice the executive power of the Union. The Union can give such directions to a State as are deemed essential by the Government of India for this purpose.

4. Union’s power to give Directions:
The executive power of the Union includes the power to give directions to a State Government for the construction maintenance of means of communications which are declared to be of national military importance.

5. Power of the President to vest responsibility in respect of Union Powers in the State:
The President can, with the consent of the government of a State, entrust to that government or to its officers all such functions as are required for the exercise of executive powers of the Union.

6. A State can entrust some functions to the Union:
Article 258A lays down that with the consent of the government of the State, the Governor can entrust to the Government of India or its officers any function in relation to any matter which falls within the sphere of the executive power of the State.

7. Union’s Power of adjudication of disputes relating to Inter-state Rivers or River Valleys:
Under Article 262, the Parliament can by law provide for the adjudication of any dispute over the use, distribution or control of the waters of any inter-state river or river valley.