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# **ADMINISTRATIVE SYSTEM IN BRICS**

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# QUESTION PAPER

June – 2023

(Solved)

## ADMINISTRATIVE SYSTEM IN BRICS

**B.P.A.E.-143**

**Time: 3 Hours ]**

**[ Maximum Marks: 100**

**Note:** Answer any **five** questions by selecting **atleast two** questions from each section. All questions carry equal marks.

### SECTION – I

**Q. 1. Write a note on constitutional framework of China.**

**Ans. Ref.:** See Chapter-1, Page No. 3, 'Constitutional Framework of China'.

**Q. 2. 'Indian Parliamentary System is the backbone of its democracy.' Elucidate.**

**Ans.** The Parliamentary system of government refers to 'a system of government having the real executive power vested in a cabinet composed of members of the legislature who are individually and collectively responsible to the legislature.' It means it is a kind of democracy where the executive and legislature are inter-connected and the former obtains its democratic legitimacy from, and is held accountable to, the legislature and therefore, the opposition always keeps it alert for it 'always lives in the shadow of a coming defeat.' India adopted the Parliamentary form of democracy in the year 1947 since India has been familiar with its working during the times of British Rule.

Today, the Indian democracy not only stands firmly in the face of many challenges time keeps throwing in its way but has also carved a unique identity for itself at the global level and the credit goes to the strong structure and institutional set up provided by our Constitution. The Constitution of India provides for socio-economic and political democracy. It underlines the commitment of the people of India to achieve various national goals from a peaceful and democratic perspective.

The separation of powers among the State components has been well defined in Indian Constitution. The domains of the three organs of the State namely Legislature, Executive and Judiciary have their own distinct and independent identity and they are sovereign in their respective sphere. In this way, they do not encroach upon each other's jurisdiction. The Parliament is supreme in the Indian democratic system, but it also has its own limitations. The Parliamentary system functions in accordance with the spirit of the Constitution. The Parliament has the power to amend the Constitution, but it cannot make any changes in its basic structure. There have been more than hundred amendments to the Constitution, since it has come into force. Even after so many amendments its original spirit remains intact.

The Indian Parliamentary System has the honour of being the world's largest and successful democracy. Even with a large number of voters, an ongoing continuous election process, our democracy has never fallen prey to instability, instead the successful conduct of elections proves that our democracy has withstood the test of time. During this democratic journey spread over seven decades, seventeen Lok Sabha and more than three hundred State Assembly elections have taken place in the country, in which the increasing participation of voters is a testimony to the success of our democracy. Indian democracy has demonstrated to the world how political power can be transferred in a peaceful and democratic manner.

**Q. 3. 'Russian Federation has an evolving judicial system, which is an outcome of judicial reforms.' Comment.**

**Ans. Ref.:** See Chapter-4, Page No. 37, 'Judiciary in Russia'.

**Q. 4. Examine the role of bureaucracy in policy process in Brazil and Russia.**

**Ans. Ref.:** See Chapter-5, Page No. 49, 'Brazil: Role of Bureaucracy in Policy Process' and Page No. 50, 'Russian Federation: Role of Bureaucracy in Policy Process'.

#### SECTION-II

**Q. 5. Write a note on control mechanism over administration in China and South Africa.**

**Ans. Ref.:** See Chapter-6, Page No. 62, 'Control Mechanism Over Administration in China' and Page No. 63, 'Control Mechanism Over Administration in South Africa'.

**Q. 6. 'Training of civil servants in Russia is multi-dimensional and complex.' Elaborate.**

**Ans. Ref.:** See Chapter-8, Page No. 83, 'Training of Civil Servants in Russia'.

**Q. 7. Bring out the features of planning process in Brazil.**

**Ans. Ref.:** See Chapter-9, Page No. 94, 'Planning Process in Brazil'.

**Q. 8. Describe the system of local governance in India.**

**Ans. Ref.:** See Chapter-11, Page No. 118, 'Local Governance in India'.



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# Sample Preview of The Chapter

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# ADMINISTRATIVE SYSTEM IN BRICS

## BLOCK-1 : CONSTITUTIONAL FRAMEWORK AND STRUCTURE OF GOVERNMENT IN BRICS



### BRICS: Constitutional Framework

#### **INTRODUCTION**

The Constitution of a country refers to the written supreme law in which the laws and the rules of a country are defined. It guarantees the rights and responsibilities of the state, various institutions that make up the state and, in some cases, those of citizens. In order to make the amendments in the Constitution, some form of special approval process is needed which includes a specifically created assembly, a referendum or a super majority within a parliament (or the approval of national and sub-national parliaments in a federal state). The Constitutions also defines the role and responsibilities of an institution, that is, elected or appointed to pass legislation and represent the interests of citizens. The institutions are parliament, national assembly, congress, legislature, all having similar instructions. The Constitution defines the basic and legal frame of a country and can be called as a law, or a collection of laws and rules and regulations that create the framework for how a country is going to be regulated and this framework usually describes the powers of different levels of government and the process for creating laws. This chapter discusses the constitutional framework of BRICS and their basic features.

#### **CHAPTER AT A GLANCE**

##### **CONSTITUTIONAL FRAMEWORK OF BRAZIL**

Brazil is the largest and most populated Latin American country which gained independence in 1822. After independence, the Prince of Portugal became Pedro I, Emperor of Brazil. There are seven written constitutions beginning with the constitution of 1824. The Constitution of 1824 provided the Emperor with different powers such as control over governing institutions, the legislature and provincial governments.

The country has formed different forms of government since 1889 including state autonomy and centralisation, authoritarianism and democracy.

##### **The Constitution of Brazil in 1891**

The first republican Constitution of Brazil was the Presidential system and was similar in nature to the Constitution of United States. It introduced male universal suffrage from the age of 21 and had different provisions like the separation of powers, checks and balances, a bicameral legislature, direct elections and a federal chamber.

##### **The Constitutions of Brazil from 1934-1937**

A new Constitution of the country was created in 1934 and then after few years, Vargas faced a counter-revolution, forcing him to stage a coup. Then, a new constitutional process was designed that gave importance to executive and legislative powers of the President, who was the supreme authority of the State. The President possessed the powers to appoint the Governors of the provinces who in turn appointed the mayors of cities. The Constitution of 1937 enabled the Vargas to proclaim a dictatorship called the New State (*Estado Novo*) and to remain in power for another decade.

##### **The Constitution of Brazil in 1946**

In 1946, the Constitution enabled a representative democracy and a new President, Eurico Gaspar Dutra, was elected for five years. The Constitution was more balanced and liberal which again established the basic individual rights and the separation of powers.

##### **The Constitutions of Brazil in 1967-1969**

There were many drawbacks in the Constitution of 1946 and hence the changes were made through a constitutional reform in 1969. The constitutions were characterised with centralised power in the hand of executive, in particular in the President, because they looked towards institutionalising the military regime.



### Transition of the Constitution in 1988

In the year 1985, the government approved the convocation of the National Constituent Assembly (*Assembléia Nacional Constituinte* ANC) in order to draft a new constitution. There were about 559 member Assembly which adopted a participatory methodology and organized public hearings. The ANC then produced the 1988 “Citizen Constitution”.

### Structure of the Government under Constitution of 1988

Brazil is a presidential and federal republic under New Constitution. There were some changes that were made 1996, in which municipalities were included with states as part of the federation. There are separate Legislative, Executive and Judicial institution of the federal, state, and municipal governments. The constitution of 1988 guarantees that the state and municipal governments are more administrative autonomous and are responsible for policy implementation and the decentralization of the federal power.

### Main Features of the Constitution of Brazil

**(i) The Executive Branch:** The President heads the executive branch and is elected for a four year term. She/he is the head of the State and the head of the Government.

**(ii) The Legislative Branch:** The federal legislative branch is bicameral in nature that consists of the Chamber of Deputies and the Senate. The branch also constitutes 513 federal deputies, 3 members from each state and federal district who are elected to serve eight-year terms. After every four years, one-third and two-thirds of members are alternatively elected and 81 senators are elected by proportional representation from each state and serve four year terms.

**(iii) The Judicial Branch:** The judiciary branch constitutes the Federal Supreme Court, the Superior Court of Justice, Regional Federal Courts, Labour Courts, the Electoral Court and the Military Court. The highest court is the Supreme Federal Court which consists of 11 justices appointed by the President and approved by the Senate.

### New Constitutional Developments and Challenges

There was dissatisfaction in the government of Brazil in 2013 because of corruption accusations, the costs associated with hosting the 2014 FIFA World Cup, and the general high living costs. The President Dilma Rousseff proposed the amendment of the Constitution after which many changes were made in 1992, 1993, 1994, 1995 and 1996. There are some challenges in

the Constitution and there is feeling surfaced for the need of change in the Constitution in coming times.

### CONSTITUTIONAL FRAMEWORK OF RUSSIA

Many reforms in the economic and legislative fields were adopted by Russia after the disintegration of the Soviet Union in 1991. The framework was designed as per the new modern standards. Russia also developed a new legal structure.

### Constitutional Structure of Russia

The Constitutional structure of Russia was adopted on December 12, 1993 which came into force on 25th December, 1993. The Constitution outlined the powers headed by different heads like federal sovereign power, federal structure and governing system. There is a preamble and two sections in the Constitution of Russia. The focus of the Constitution is on self-determination, human rights and civil liberties.

### Basic Features of the Constitution of Russia

**(i) Federal Structure:** There are 83 federal entities in the Russia Federation out of which 46 oblasts (provinces or districts), 21 republics, 4 autonomous okrugs (districts), 9 *krais* (territories), 2 federal cities, and 1 autonomous region (oblast). The Constitution also provides autonomy over the internal economic and political affairs and list out some reserved powers to these entities. The Constitution also guarantees discretionary powers to the regional bodies to pass laws but the condition is that the laws do not contradict the Constitution and existing federal laws.

**(ii) Executive Branch and its Structure:** The President is at the top of the executive power which is divided between the President and the Prime Minister. The selection of the President is done by the popular vote for a four year term. The President possesses the power to choose the Prime Minister with the approval of the State Duma and as the head of the state. There are different powers possessed by the President to make decisions on various policies.

**(iii) Parliament and Legislative System:** There are two chambers in the Federal Assembly of Russia. These are the State Duma the lower house and the Federation Council the upper house. There are different powers and responsibilities possessed by these two chambers. The bills might stem from the legislative chamber but they must be first taken into consideration by State Duma. In case of rejection, the bill will be returned to the State Duma, which can then be passed with a two-thirds vote again in the same form. In case it is accepted by the Federation Council, the President must sign it to become law. The final veto lies in the hands of the President.

**(iv) Judicial System:** The three types of courts in the Russian judiciary system are the courts of general jurisdiction, subordinated to the Supreme Court and the arbitration court system under the High Court of Arbitration and the Constitutional Court.

#### CONSTITUTIONAL FRAMEWORK OF INDIA

India is the seventh largest country in the world with the largest democracy in the world and is bordered by Pakistan, China, Bangladesh, Myanmar, Nepal and Bhutan. India is a diversified country with different cultures and religion. India is a federal nation and has 28 federated entities and eight union territories as on March, 2021. The government is parliamentary in nature. India gained independence from the British colonial rule in 1947.

#### Constitutional History of India

A constituent assembly was framed in 1948 in order to draft the Indian Constitution and was adopted in 1950. The Constitution of India consists of the fundamental laws of the country.

#### The Government of India Act, 1919

The Government of India Act, 1919 stresses on the expansion of the native participation in the government and to have a dual form of government with limited powers. The imperial legislative council was converted into a bicameral legislature for India. Another important aspect of the Act is to establish the position of a High Commissioner with residence in London to represent India in the United Kingdom.

#### The Government of India Act, 1935

The main objective of the formation of this Act was to oppose the National Congress of India towards the Act of 1919 for doing too little in terms of granting autonomy. Some of the provisions of the Act included end the dual form of government and form a Federation of India. The Act also introduces the direct suffrage and extension of the franchise. There were many changes in the membership of the provincial assemblies and finally the formation of a Federal Court.

#### The Constituent Assembly of 1948 and the Constitution of 1950

The Constituent Assembly was formed to draft the Indian Constitution in December 1946 and by November 1949 the draft Constitution was approved. In January 1950, the Constitution came into effect in January 1950 and the Constituent Assembly was transformed into a Provisional Parliament. There are about 105 amendments made in the Constitution by August 2021. The Indian Constitution is the longest

and the most detailed constitutions in the world consisting of 395 articles, 22 parts and 8 schedules to begin with which now (as on August, 2021) has increased to 470 articles 25 parts and 12 schedules with five appendices.

#### Basic Features of the Constitution of India

##### The Indian Constitution – Federal System with

**Unitary Bias:** The federal characteristics of the Indian Constitution includes the supremacy of the Constitution, division of powers between Union and States and existence of an independent judiciary.

**Written and Detailed Constitution:** The Constitution of India is a written document which includes the details about the constitutional law of India.

**Self-made and Enacted Constitution:** The people of India were involved in the making of the Indian Constitution and the first session of the assembly was held on 9th December, 1946 and the Objectives Resolution was passed on 13th December, 1946, which became Preamble of the constitution on 22nd January, 1947.

**Fundamental Rights (FRs):** The Part II of the Constitution included the fundamental rights of the Constitution like rights of freedom, equality, life and religion.

**India is a Republic:** India is Republic and is not ruled by a monarch or a nominated head of the state. There is an elected head of the state and the President of India who holds the power for a fixed term of 5 years.

**Fundamental Duties:** The Part IV-A of the Indian Constitution also mentions about some fundamental duties for the citizens of the country.

#### CONSTITUTIONAL FRAMEWORK OF CHINA

As on March, 2021 China consists of 23 provinces, five autonomous regions and four municipalities. In the year 1954, the country adopted the first Constitution and then another in the year 1975. In 1978 another Constitution was adopted after the death of Mao-Zedong. On 4th December, 1982, the present Constitution of the country was propagated. This was prepared by the Central Committee of the Communist Party of China. The four main principles of the Constitution are adherence to socialist road, people's democratic dictatorship, leadership by the Communist Party of China and by Marxism, Leninism and Mao Zedong thought.

#### Basic Features of the Constitution

**(i) A Written Document:** The Constitution is a brief but detailed document containing of 138 Articles,

which comprises of four chapters. The Article I of the Chinese Constitution state that the People's Republic of China (PRC) is a socialist state. The basic system of People's Republic of China is the socialist system and no individual or organisation is allowed to sabotage the system.

**(ii) Flexible Constitution:** The Constitution is flexible in nature. The process of amendment of the Constitution is easier compared to other Constitutions of the world.

**(iii) Unitary System:** The unitary system of the country provides for the centralisation of powers at the Centre. The powers to the provinces are given by the Central Government which can be taken back whenever needed.

**(iv) People's Republic:** The powers in the People's Republic of China belong to the people which are availed through National People Congress and Local People's Congress. The state affairs and the economic, social and other affairs are managed by people with the help of various channels in various ways in accordance with law.

**(v) Democratic Centralism:** As per the Article III of the Constitution, the state organs of People's Republic of China apply the principle of democratic centralism. The people are placed through democratic election and responsible to the people. The division of powers and functions between the Centre and the local state organs is governed by the principle of giving full play to initiative and enthusiasm of local authorities under the unified leadership of central authorities.

**(vi) Communist Party of China:** The political system of China is a one party system i.e. the Communist Party of China (CPC) which is under the leadership of Mao Zedong and Marxist and Leninist thought is the guiding and governing force in China.

**(vii) Unicameral Legislature:** The National People's Congress (NPC) is the highest organ of the state power and the only legislative assembly of China. It archives all the powers and authority in the country and people exercise their powers through it.

**(viii) Fundamental Rights and Duties:** The details of the fundamental rights and duties are provided in the Articles 33-56 of Chapter II of the Constitution. The rights includes the right to vote, freedom of religion, freedom of speech, freedom of press, freedom of assembly, freedom of association, freedom of procession and of demonstration and the duties include protecting the unity of the country and abiding by the

laws of Constitution and defending the motherland and resisting aggression.

**(ix) No Discrimination and Exploitation:** As per the Constitution of China, all nationalities are equal and any discrimination or oppression with any nationality and acts, which undermine the unity of the nationalities, are prohibited. It also disperses the exploitation of man by man or exploitation of men by state.

#### CONSTITUTIONAL FRAMEWORK OF SOUTH AFRICA

South Africa is Africa's most multiracial nation that constitutes the peoples of African, Asian and European descent. The country has 11 official languages.

#### Political System of South Africa

South Africa gained independence as a self-governing dominion in 1910 which was done by merging the four British dependencies of Cape Colony, Orange Free State, Natal and Transvaal. The dependencies were merged in order to unite South Africa and to integrate its imperialist interests. This, in turn led to the division of South Africa, with blacks excluded from political participation resulting in the discontentment and racial conflict in the country. The year 1994 witnessed many changes that led to an end of the white minority rule. Many reforms were introduced in the system that resulted in the formation of a constitutional democracy headed by the first non-white president Nelson Mandela.

#### Constitutional History of South Africa

There are three phases of the constitutional history and development of the country which are as follows:

**The South Africa Act of 1909:** The period was important as it marked the importance for the genesis of the constitutional development of South Africa. The period witnessed the enactment of the South Africa Act by the British Parliament. This can be called as the Independence constitution of South Africa.

**The Constitution of 1961:** The white voters of the country voted in a constitutional referendum in order to abolish the Union of South Africa created by the South Africa Act of 1909, instead a Republic of South Africa was formed. The 1961 Constitution severed all ties with the British Empire as the state president replaced the Crown and the Governor General and All references to "king," "queen" and "crown".

**The Constitution of 1983:** A new Constitution was enacted in 1983 and the reforms were implemented through the Constitution of the Republic of South Africa