EXECUTIVE

Article 153 to 167 in Part VI of the constitution deal with the State executive.

State Executive=
Governor + CM + COM + AG of the state.

GOVERNOR

The Constitution, under Article 153, provides for a Governor for each state.

Note: The 7th CAA of 1956, same person can be Governor for two or more states.

Appointment-

President by warrant under his hand and seal.

Qualifications:

- 1.) should be a citizen of India
- 2.) should have completed the age of 35 years.

Note: Additional Convention (not in Constitution): Outsider + President should consult CM of concerned State.

CONDITIONS FOR GOVERNOR'S OFFICE

Governor cannot be a member of either House of the Parliament or any of the State Legislatures. If a Member of a
Legislature is appointed
as the Governor of any
States, he shall
immediately cease to
be a Member upon
such appointment.

Cannot hold any office of profit.

The Parliament determines the emoluments and allowances payable to him and also his free official residence.



1

Oath

OBy Chief Justice of the concerned High Court and in his absence administered by the senior-most available Judge of the concerned High Court.



2

Transfer

- From one State to another by the President.
- Resignation by addressing his resignation to the President.



3

Term

• 5 years , but he remains in office during the pleasure of the President.



4

Removal

- •Dismissal by the President at whose 'pleasure' he holds the office [Article 156(1)] Resignation [Article 156(2)].
- •The grounds on which a Governor may be removed are not specified in the Constitution.

POWERS AND FUNCTIONS OF GOVERNOR

EXECUTIVE POWERS

LEGISLATIVE POWERS

FINANCIAL POWERS

JUDICIAL POWERS

EXECUTIVE POWERS

- All executive actions of the government of a State are formally taken in the Governor's name.
- He can seek any information relating to the administration of the affairs of the state and proposals for legislation from the Chief Minister.
- He acts as the chancellor of universities in the state. He also appoints the vice chancellors of universities in the state.

- President to impose constitutional emergency in the state under Article 356
- He appoints the Chief Minister, the other subordinate ministers, the Advocate General of the State, State Election Commissioner, Chairman and members of the State Public Service Commission

LEGISLATIVE POWERS

- Governor of the State summons or prorogues the state legislature and he can dissolve the State Legislative Assembly
- When both the offices of the Speaker and the Deputy Speaker fall vacant then the Governor appoints any member of the State's Legislative Assembly
- Governor can reserve for the President's consideration any bill passed by the State Legislature.
- He nominates 1/6th of the members of the State Legislative Council from amongst the persons having special knowledge or practical experience in literature, art, science, cooperative movement and social service.

- Can promulgate ordinances when State Legislature is not in session, ordinances must be approved by the State Legislature within six weeks from its reassembly
 Lays reports of the State Finance Commission, the SPSCs and the CAG
- Lays reports of the State Finance Commission, the SPSCs and the CAG relating to the accounts of the State, before the State Legislature

FINANCIAL POWERS

- Confirms that the state budget or the Annual Financial Statement is laid before the State Legislature
- Money Bills can be introduced in the State Legislature only with the prior recommendation of the Governor
- Demand for a grant can be made only on the Governor's recommendation
- To review the financial position of the Panchayats and the Municipalities, the Governor constitutes a Finance Commission in the state after every five years
- To meet any unforeseen expenditure, he can make advances out of the Contingency Fund of the State

JUDICIAL POWERS

- Governor is consulted by the President, while appointing the Judges of the concerned State High Court
- He makes appointments, postings and promotions of the district judges in consultation with the State High Courts.
- He appoints persons to the judicial service of the state (other than the District Judges) in consultation with the State High Court and the State Public Service Commission.
- Mercy powers: The Governor can grant pardons, reprieves, respites and remissions of punishment or suspend, however Governor cannot pardon a death sentence.
- Governor also has some special and discretionary powers.

CHIEF MINISTER

- CM is the head of the government and is the real executive authority(de facto executive). Article 164 states that the Chief Minister shall be appointed by the Governor.
- Generally, the leader of the majority party in the State Legislative Assembly is appointed by the Governor. In case of Hung assembly-Governor appoints the leader of party or coalition and asks him to seek a vote of confidence in the House within a month.
- Oath-Governor
- Note- In Oath swears allegiance to Constitution, upload Sovereignty & integrity of India+takes Oath of Secrecy.
- Term- Not fixed, hold office during the pleasure of Governor

Removal – Can not be dismissed as long enjoy majority support, if loses confidence of the assembly must resign or Governor can dismiss him.
 Salary & Allowances- Determined by the State Legislature .

POWERS OF CHIEF MINISTERS

■ IN RELATION TO THE COUNCIL OF MINISTERS

- CM is head of Council of Minister(COM), resignation/death lead to the dissolution of Council of Ministers.
- Presides over the meetings of the COM and influences its decisions
- Allocates, reshuffles the portfolios among ministers.
- Presides over the meetings of the COM and influences decisions
- Incase of difference of opinion CM can advise the Governor to dismiss the concerned minister.

IN RELATION TO THE GOVERNOR

- Communicate to the Governor all decisions related to the admistration of the state.
- Advises the Governor for appointment of Advocate-General of the State Chairman and Members of SPSC, State Election Commissioner

■ IN RELATION TO STATE LEGISLATURE

- Advices the Governor for summoning and proroguing of the sessions.
- Can any time recommend the Governor for the dissolution of the assembly.

STATE COUNCIL OF MINISTERS

- Article 163: COM to aid and advise Governor, subject to his discretionary powers.
- Article 164: COM is collectively responsible to State legislative assembly

LOCAL GOVERNMENT

- PANCHAYATI RAJ
- MUNICIPALITIES



Local Government is the government at the district level and below.



It is the government closest to common people.



It is based on the assumption that local knowledge and local interest are essential components for people.



To achieve efficient administration, local people can very well interact with local government, raise their concerns and achieve the solutions by themselves being part of the decisionmaking process.

HISTORICAL PERSPECTIVE

ANCIENT

Gramini - An important village functionary in the Vedic period

Sabha - Assembly for discussing agricultural matters

Samiti - Assembly with judicial powers.

MEDIEVAL

Marked with centralization of leadership and decline in local governance.

However, the hands of the administration reached only to the district level.

The village communities continued to exist.

BRITISH

- Regulation of 1816 conferred judicial authority to the village panchayats in a few provinces.
- The Mayo's resolution, 1870 gave impetus to the development of local institutions by enlarging their powers and responsibilities. Bengal Village Chowkidari Act, 1870 empowered the District Magistrate to constitute a panchayat in any village.
- The Resolution on Local Self Government (Lord Ripon's Resolution) 1882 intended to build local self-government institutions on the foundations of the local self-government system of ancient India.
- Morley Minto Reforms, 1909 incorporated the recommendations of Royal Commission on Decentralization (1907) which led to the enlargement of the election process in the Local Self Government structure in India.
- Montagu Chelmsford reforms of 1919 introduced a dyarchy system where responsibility of the local government was given to ministers.

Panchayati Raj : A Timeline		
1882	Local Self Government (Resolution of 1882).	
1919	Montagu-Chelmsford Reforms.	
1938	The Aundh Experiment.	
1940	Article 40 (Conctitution of India).	
1957	Balwant Rai Mehta Committee Rajsathan Become First State to Adopt Panchayati Raj.	
1985	G.V.K. Rao Committee.	
1986	L.M. Singhvi Committee.	
1992	73rd & 74th Constitutional Amend	ment.

Evolution of PRIs after Independence

Major sources/ Committees	Provisions	
Constitution of India	 Article 40. Local government is a state subject. Given constitutional status through 73rd and 74th amendment act. 	
Balwant Rai Mehta Committee	 To examine the workings of the National Extension Service and Community Development Program. The Committee recommended a scheme for "democratic decentralisation", as well as a three-tier system with directly elected members at the village level. Rajasthan became the first state to adopt the system. 	
Ashok Mehta Committee	 3 tier PRI should be replaced with a 2 tier PRI with Zila Parishad at the district level and Mandal panchayat below it. Committee also recommended for Nyaya panchayat. 	
G V K Rao Committee	 The committee recommended reducing the developmental role of the district collector and giving a major role to PRI. A post of district development commissioner should be created. 	
L.M Singhvi Committee	 Appointed to recommend on the revitalization of PRI for democracy and development. It suggested that constitutional status must be given to PRI. Thus 73rd and 74th Constitutional amendment act was passed by Parliament in 1992 and got assent on 20th April 1993. 	

What is the role of Panchayati Raj Elections in democracy?

ANSWER

Political consciousness Women empowerment Strengthening democratic Institution and process Planning and development Giving voice to local demands Executive functions Breaking hierarchies

73rd CONSTITUTIONAL AMENDMENT ACT, 1992

- Changes brought in the Constitution
- 73rd Amendment Act, 1992 inserted Part IX in the Constitution of India and accorded Panchayats a Constitutional status as institutions of local self-governance for rural India. It also added Eleventh Schedule to the constitution that contains 29 functional items for Panchayats

73RD CONSTITUTIONAL AMENDMENT

COMPULSORY PROVISIONS

Organization of Gram Sabhas. Creation of a three-tier panchayat system. Direct elections. The minimum age for contesting would be 21 years. Indirection elections to post of chairman. Reservation of seats for SC/STs in proportion to population. Reservation for the women. Creation of SECs (State election committee). Creation of SFCs (State finance committee)

VOLUNTARY PROVISIONS

Voting rights to MPs and MLAs in these bodies. Reservation for backward classes. Giving the PRIs financial powers. Devolution of functions under XIth schedule.

MAJOR FEATURES

- A 3-tier system of Panchayati Raj for all States having population of over 20 lakh.
- The Panchayats have been established in each state through acts of the respective states.
- Panchayat elections regularly every 5 years.
- PRESERVATION OF SEATS FOR Scheduled Castes, Scheduled Tribes and women (not less than one-third of seats). The seats are to be reserved for SCs and STs in proportion to their population at each level. Out of the Reserved Seats, 1/3rd have to be reserved for the women of the SC and ST. Out of the total number of seats to be filled by the direct elections, 1/3rd have to be reserved for women.
- Appointment of State Finance Commission to make recommendations as regards the financial powers of the Panchayats

ADMINISTRATIVE STRUCTURE OF THE PRIS

- All States now have a uniform three tier Panchayati Raj structure.
- At the base is the 'Gram Panchayat'. A Gram Panchayat covers a village or group of villages.
- The intermediary level is the Mandal (also referred to as Block or Taluka). These bodies are called Mandal or Taluka Panchayats. The intermediary level body need not be constituted in smaller States.
- At the apex is the Zilla Panchayat covering the entire rural area of the District.
- The amendment also made a provision for the mandatory creation of the Gram Sabha. The Gram Sabha would comprise all the adult members registered as voters in the Panchayat area. Its role and functions are decided by State legislation.

ELECTIONS TO PRIS

- All the three levels of Panchayati Raj institutions are elected directly by the people.
- The term of each Panchayat body is five years.
- If the State government dissolves the Panchayat before the end of its five year term, fresh elections must be held within six months of such dissolution. A panchayat constituted upon the dissolution of a panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved panchayat would have continued had it not been so dissolved.

URBAN LOCAL BODIES (ULBs)

HISTORICAL BACKGROUND

- The era of Urban Local Governance in India started with the formation of Madras Municipal Corporation in 1687.
- Later similar corporations were formed in Calcutta and Bombay Municipal Corporation in 1726. In 1882, Lord Ripon – the Viceroy of India - passed a resolution of local self-government which laid the democratic forms of municipal governance in India.
- Indian Independence ushered a new era of local governance in India. The Constitution of India allotted the local self-government to the state list of functions.
- In 1953, the U.P. Government took a decision to set-up Municipal Corporations in five big cities of Kanpur, Agra, Varanasi, Allahabad and Lucknow, popularly known as KAVAL Towns.
- In 1985, the Central Government appointed the National Commission on Urbanization, which gave its report in 1988. Finally, it was the Constitution (74th Amendment) Act, 1992 that gave constitutional status to the Urban Local governance bodies.

Key Features of 74th CAA 1992

Levels of Municipal bodies

- 3 levels.
- A 'Nagar Panchayat (town council)' for transitional areas.
- A 'Municipal Council' for a smaller urban area.
- A 'Municipal Corporation' for a larger urban area.

Term

5 years.

Election

 An independent State Election Commission for the conduct, superintendence and control of municipal elections.

Reservations:

- Seats be reserved for SCs and STs in proportion to their population in the municipal area.
- Mandatory provision of reserving one- third of every elected urban body for women representatives.
- Reservations were also provided for in the position of chairpersons of municipalities.

Finance

 A State Finance Commission to review the financial position of the municipalities and make recommendations for the financial health of ULBs.

Planning

Via District Planning Committee and Metropolitan Planning Committee.

IMPACT OF THE ACT ON URBAN GOVERNANCE

- Recognition of ULBs as the third tier of governance.
- Wider political representation.
- Gender Empowerment.
- Independent Municipal Elections.
- Introduction of ward committees.
- Reformation of Municipal Finances.