# **State and Local Governments**

## **State Executive: Governor**

#### 1. Introduction

- The State Executive consists of the Governor, the Chief Minister, and the Council of Ministers.
- The **Governor** is the **constitutional head** of a state, like the President is at the Centre.
- He/she acts on the advice of the Chief Minister and the Council of Ministers.

#### 2. Appointment of Governor

- Appointed by the **President of India**.
- No direct election.
- Usually chosen from **outside the state**.
- Holds office at the pleasure of the President.

#### 3. Qualifications

- Must be a citizen of India.
- Must be at least 35 years old.
- Cannot be a member of **Parliament or State Legislature**.
- Cannot hold any **office of profit**.

#### 4. Term of Office

- The term is **5 years**, but the Governor can be removed earlier by the **President**.
- Can be **reappointed** or transferred to another state.

#### 5. Powers of the Governor

- a) Executive Powers
  - Appoints the **Chief Minister** and other Ministers.
  - Appoints Advocate General, State Election Commissioner, and Chairpersons of State Public Service Commission.
  - Administration of the state is carried out in the name of the **Governor**.

#### b) Legislative Powers

- Summons and dissolves the **State Legislature**.
- Can address and send messages to the **Legislative Assembly**.
- Can give or withhold assent to bills.
- Can reserve certain bills for the consideration of the President.

#### c) Financial Powers

- Ensures that the **state budget** is laid before the legislature.
- No money bill can be introduced without the Governor's recommendation.

#### d) Judicial Powers

- Appoints **judges of subordinate courts** in consultation with the High Court.
- Can grant pardons, reprieves, respites, or remission of punishment for offences under state laws.

#### e) Emergency Powers

• Can recommend **President's Rule** in the state if there is a breakdown of constitutional machinery.

#### 6. Discretionary Powers of the Governor

- Appointing a **Chief Minister** when no party has a clear majority.
- Dismissing a Ministry when it loses the majority.
- Reserving bills for the **President's assent**.
- Recommending President's Rule.

#### 7. Role and Importance

- Acts as a link between the Centre and the State.
- Mostly acts on the advice of the elected government.
- Has a **ceremonial role**, but can be influential during **political instability**.

# **Chief Minister (CM)**

#### 1. Introduction

- The Chief Minister is the real head of the State Government.
- The **Governor** is the constitutional head, but the CM holds actual executive power.
- The CM is the leader of the majority party (or coalition) in the State Legislative Assembly.

## 2. Appointment of Chief Minister

- Appointed by the **Governor**.
- Usually the leader of the majority party in the State Legislative Assembly.
- If no party has a majority, the Governor can appoint a leader who can **prove majority support** in the Assembly.

## 3. Qualifications

To become a Chief Minister, a person must:

- Be a citizen of India.
- Be at least 25 years old.
- Be a member of the State Legislature (or get elected within 6 months if not a member at the time of appointment).
- Should not hold any **office of profit** under the government.

#### 4. Term of Office

• The term is **5 years**, as long as the CM enjoys the **support of the majority** in the State Legislative Assembly.

- Can be re-elected any number of times.
- If the CM loses majority, he/she must **resign**.

#### 5. Powers and Functions

#### a) Executive Powers

- Heads the Council of Ministers and decides who will be ministers.
- Allots departments and supervises their functioning.
- Acts as a link between the Governor and the Council of Ministers.
- Advises the Governor in appointing key officials.

#### b) Legislative Powers

- Advises the Governor to summon or dissolve the State Assembly.
- Plays an important role in **formulating laws and policies**.
- Guides the passing of **bills and budget** in the Assembly.
- Can **introduce bills**, including money bills.

#### c) Administrative Powers

• Looks after the administration of the state.

- Coordinates the work of **various departments**.
- Can call for reports and take decisions on important issues.

#### 6. Role and Importance

- The Chief Minister is the **real executive authority** in the state.
- Acts as the face of the state government.
- Ensures smooth functioning of the **council of ministers** and the **bureaucracy**.
- Plays a major role in **formulating development plans** for the state.

## 7. Relationship with the Governor

- The CM must keep the Governor **informed about state** matters.
- The Governor **acts on the advice** of the CM and the Council of Ministers (except in certain situations where discretion is allowed).

# **Council of Ministers (State Executive)**

#### 1. Introduction

- The Council of Ministers is a group of ministers headed by the Chief Minister.
- It helps the Chief Minister run the state government.
- It is similar to the **Union Council of Ministers** but works at the **state level**.

#### 2. Formation

- Appointed by the Governor on the advice of the Chief Minister.
- The Chief Minister selects the ministers.
- Includes **different types of ministers** based on rank and responsibility.

### 3. Types of Ministers

#### a) Cabinet Ministers

- Senior-most and most important.
- Head major departments like Finance, Education, Health, etc.
- Take part in key decision-making.

#### b) Ministers of State

- Junior ministers.
- May assist Cabinet Ministers or handle **independent departments** with less importance.

#### c) Deputy Ministers

- Help Cabinet or State Ministers.
- Do not have independent charge.

Note: In some states, **Deputy Chief Ministers** may also be appointed, but this is not constitutionally required.

## 4. Responsibilities

- Formulate and implement state policies.
- Prepare and present the state budget.
- Administer departments like health, education, agriculture, etc.
- Advise the **Governor** through the Chief Minister.
- Responsible for **day-to-day functioning** of the state government.

#### 5. Collective Responsibility

- The Council of Ministers is collectively responsible to the State Legislative Assembly.
- If the Assembly passes a **no-confidence motion**, the entire council must **resign**.

#### 6. Role of the Chief Minister

- Head of the Council of Ministers.
- Decides the **distribution of work** among ministers.
- Can ask a minister to **resign** or advise the Governor to **remove a** minister.
- Acts as a link between the Governor and the Council of Ministers.

#### 7. Limitations

- Ministers hold office **during the pleasure of the Governor**, but practically it depends on the Chief Minister's will.
- Must be members of the State Legislature or get elected within 6 months.

#### 8. Importance

- The Council of Ministers is essential for **policy-making and** administration.
- Plays a crucial role in executing laws and development programs in the state.
- Brings **democratic control** over administration, as it is answerable to the **elected Assembly**.

# State Legislature – State Legislative Assembly (Vidhan Sabha)

#### 1. Introduction

- The State Legislature is the law-making body at the state level.
- It may be unicameral (one house) or bicameral (two houses).
- Most states in India have a unicameral legislature, i.e., only the Legislative Assembly.
- A few states have both:
  - Legislative Assembly (Vidhan Sabha) Lower House
  - Legislative Council (Vidhan Parishad) Upper House (only in a few states like UP, Bihar, Maharashtra, etc.)

# **State Legislative Assembly (Vidhan Sabha)**

#### 2. Composition

- Members are directly elected by the **people through elections**.
- Called MLAs (Members of Legislative Assembly).
- Number of members depends on the population of the state (between **60 and 500**).
- Governor may nominate 1 member from the Anglo-Indian community (if needed this provision was removed in 2020 via the 104th Amendment).

#### 3. Qualifications to Become an MLA

- Must be a citizen of India.
- At least 25 years old.
- Must be a voter in the concerned state.
- Must not hold any **office of profit** under the government.

#### 4. Term of Office

- Term is **5 years**, unless dissolved earlier.
- During an **emergency**, the term can be **extended**.

### 5. Sessions of the Assembly

The Governor summons the sessions of the Assembly:

- Budget Session
- Monsoon Session
- Winter Session

#### 6. Powers and Functions

#### a) Legislative Powers

- Makes laws on **State List** and **Concurrent List** subjects (e.g. police, public health, agriculture).
- Passes bills which become **state laws** after the Governor's assent.

#### b) Financial Powers

- Passes the **State Budget**.
- Money Bills can only be introduced in the Assembly and require the Governor's approval.
- Controls state revenue and expenditure.

#### c) Executive Control

•	Can question, criticize, or pass a <b>no-confidence motion</b> against
	the Council of Ministers.

•	Ensures 1	that the	government is	s accountable	to t	the peo	ple.
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# 7. Presiding Officer – Speaker

- The **Speaker** conducts the proceedings of the Assembly.
- Elected by members of the Assembly.
- Maintains order and discipline during debates.
- The **Deputy Speaker** takes over in the absence of the Speaker.

# 8. Legislative Council (if present)

- Also called Vidhan Parishad.
- A permanent body (like Rajya Sabha) not dissolved.
- Members are partly elected and partly nominated.
- Has limited powers compared to the Legislative Assembly.

#### 9. Importance of the Legislative Assembly

- It is the **heart of democracy** at the state level.
- Represents the will of the people.
- Controls the executive through questions and motions.
- Plays a key role in **making and approving laws**.

# **State Legislature: Assembly and Legislative Council**

The **State Legislature** in India can be:

- Unicameral (one house) Only Legislative Assembly (Vidhan Sabha).
- Bicameral (two houses) Legislative Assembly + Legislative Council (Vidhan Parishad).

Only a few states have a Legislative Council, such as Uttar Pradesh, Bihar, Maharashtra, Telangana, Karnataka, Andhra Pradesh.

# 1. Legislative Assembly (Vidhan Sabha)

## a) Nature

- Lower House (but more powerful).
- Directly elected by the **people**.
- **Essential** for every state.

#### b) Composition

- Members are called **MLAs** (Members of Legislative Assembly).
- Elected through **direct elections** by the people of the state.
- Minimum: **60 members**, Maximum: **500 members** (as per population).
- Term: **5 years** (unless dissolved earlier).

#### c) Functions

- Makes laws on subjects in the State List and Concurrent List.
- Passes the **state budget** and **money bills**.
- Can pass a **no-confidence motion** against the state government.
- Controls the Council of Ministers.

## d) Presiding Officer

- The **Speaker** conducts meetings.
- The **Deputy Speaker** assists or substitutes in the Speaker's absence.

# 2. Legislative Council (Vidhan Parishad)

a) Nature

- **Upper House** (like the Rajya Sabha at the Centre).
- **Permanent body**, cannot be dissolved.
- **Optional** not all states have it.

# b) Composition

- Members are called MLCs (Members of Legislative Council).
- Not directly elected by the general public.
- Members are elected by:
  - Local bodies (like municipalities)
  - Graduates and teachers
  - MLAs
  - Some are nominated by the Governor (experts in literature, science, art, social service)
- Total strength is **not more than one-third** of the Legislative Assembly.

## c) Term

- Members serve for **6 years**.
- One-third members retire every 2 years.

## d) Functions

- Reviews and suggests changes in bills passed by the Assembly.
- Can delay **ordinary bills** (but not reject them).
- Cannot stop or amend **money bills** can only give suggestions within 14 days.
- Plays a revising and advisory role.

# 3. Key Differences: Assembly vs Council

Feature	Legislative Assembly (Vidhan Sabha)	Legislative Council (Vidhan Parishad)
Type	Lower House	Upper House
Existence	<b>Compulsory</b> for every state	Optional
Members	Elected directly by the people	Elected indirectly + nominated
Tenure	5 years	6 years (1/3rd retire every 2 years)
Law-making Power	More powerful, especially on money bills	Limited – cannot reject money bills
Dissolution	Can be <b>dissolved</b>	Permanent body

# 4. Importance of Bicameralism (Two Houses)

- Helps in **detailed discussion and review** of laws.
- Prevents hasty legislation.
- Represents **various sections of society** (teachers, graduates, etc.).

However, some people argue that the Legislative Council is **not necessary**, as it increases **cost** and **delays law-making**.

# State Judiciary: High Court

- 1. Introduction
- The **High Court** is the **highest court in a state**.
- It is part of the **judicial system** in India and works **under the Supreme Court**.
- Every state has a **High Court**, and in some cases, one High Court serves **more than one state or union territory**.

## 2. Composition

- Consists of:
  - Chief Justice
  - Other **judges** (number decided by the President)

	3. Qualifications of High Court Judges
o b	e appointed as a judge of a High Court, a person must:
•	Be a citizen of India.
•	Have been a judge of a lower court for at least 10 years, or
	Have been an advocate in a High Court for at least 10 years
	4. Term and Removal
•	Retirement age: 62 years.
•	Can be <b>removed by the President</b> on the recommendation of <b>Parliament</b> , in case of <b>misbehavior or incapacity</b> (through the process of <b>impeachment</b> ).
•	Judges cannot be removed arbitrarily, ensuring independent

- Can hear certain cases directly, such as:
   Protection of Fundamental Rights.
   Cases involving state laws or state government.
  - b) Appellate Jurisdiction
- Hears appeals against decisions of:
  - District and Sessions Courts
  - Civil and Criminal Courts
  - Tribunals and lower courts
  - c) Writ Jurisdiction
- Can issue writs (legal orders) like:
  - Habeas Corpus
  - Mandamus
  - o Prohibition
  - Certiorari
  - Quo Warranto
- These help in enforcing Fundamental Rights.
  - d) Supervisory Jurisdiction

- Supervises the working of **lower courts** in the state.
- Can call for records, give directions, and ensure fair working of the judiciary.

#### e) Administrative Functions

 Appoints staff, regulates working hours, transfers judges of lower courts (in consultation with the State Public Service Commission and Governor).

## 6. Independence of High Court

- Judges have **security of tenure**.
- Salaries and allowances are charged from the Consolidated Fund of the State and cannot be reduced.
- Judges cannot take up any job under the government after retirement.

## 7. Importance of the High Court

- Protects the Constitution and laws at the state level.
- Acts as a guardian of Fundamental Rights.
- Ensures that state authorities work within the law.
- Provides **justice to the people** through fair decisions.

# Local Government: Panchayati Raj System

#### 1. Introduction

- The Panchayati Raj System is the rural local self-government in India.
- It aims to **decentralize power** and bring democracy to the **grassroots level**.
- Gives people in villages a say in their own development and administration.

Introduced through the 73rd Constitutional Amendment Act, 1992 – came into effect in 1993.

2. Structure of Panchayati Raj (Three-Tier System)

India's Panchayati Raj is a three-tier system:

- a) Gram Panchayat (Village Level)
- Found in every village or group of villages.
- Consists of:
  - Gram Sabha: All adult residents of the village.
  - **Sarpanch**: Head of the Gram Panchayat, elected by villagers.
  - o Panchs: Elected members.

- b) Panchayat Samiti (Block / Intermediate Level)
- Found at the **block level** (between village and district).
- Also called **Block Panchayat** or **Janpad Panchayat**.
- Members elected from the area; includes Sarpanchs and officials.
  - c) Zila Parishad (District Level)
- At the top of the Panchayati Raj system.
- Covers the entire **district**.
- Coordinates the work of Panchayat Samitis.
- Headed by a **President** (Adhyaksha).

## 3. Gram Sabha

- The Gram Sabha is the foundation of the Panchayati Raj system.
- Includes all registered voters of a village.
- Holds meetings to:
  - Approve village budgets and development plans.

• Keep a check on the Gram Panchayat's work.

## 4. Elections

- Panchayat members are **elected directly** by the people for a term of **5 years**.
- Elections are conducted by the State Election Commission.
- Seats are **reserved** for:
  - Scheduled Castes (SCs)
  - Scheduled Tribes (STs)
  - Women (at least 33% of seats)

# 5. Functions of Panchayats

- Developmental Work:
  - o Build roads, drains, wells, schools, and health centers.
  - o Promote agriculture, animal husbandry, and sanitation.
- Administrative Work:

<ul> <li>Keep birth and death records.</li> </ul>
<ul> <li>Implement government schemes.</li> </ul>
Welfare Work:
<ul> <li>Help poor people, old-age pensioners, and marginalized communities.</li> </ul>
<ul> <li>Organize health and education programs.</li> </ul>
6. Sources of Income
• Taxes on houses, markets, fairs, etc.
• Grants from the <b>State Government</b> .
• Funds from <b>Central Government schemes</b> (like MGNREGA).
<ul> <li>Donations and other sources.</li> </ul>

# 7. Importance of Panchayati Raj

- Brings democracy to the village level.
- Encourages **people's participation** in local administration.

• Helps in <b>better and faster development</b> of rural areas.
• Makes governance more transparent and accountable.
8. Challenges
• Lack of proper funds and resources.
• Limited powers in some states.
• Low education levels and awareness among elected members.
• Political interference.
9. Constitutional Status
• 73rd Amendment Act added Part IX to the Constitution.
• Added Article 243 to 243-O.
• Added the 11th Schedule with 29 subjects to be handled by Panchayats (like agriculture, education, health, etc.).
Local Government in India

## 1. Introduction

• Local Government means self-government by local bodies at the village or town/city level.

- It ensures **people's participation** in decision-making and administration **at the grassroots**.
- Two types:
  - Rural Local Government Panchayati Raj System
  - **Urban Local Government** *Municipalities*, *Corporations*, *etc*.

The system was given **constitutional status** through:

- 73rd Amendment Act, 1992 for Rural areas
- 74th Amendment Act, 1992 for Urban areas

# 2. 73rd Constitutional Amendment Act, 1992 – Panchayati Raj System

- a) Came into effect: April 24, 1993
- b) Added:
- Part IX to the Constitution (Articles 243 to 243-O)
- 11th Schedule (29 subjects for Panchayats)
  - c) Three-Tier Structure (Compulsory for states with population over 20 lakh):
- 1. **Gram Panchayat** Village level

2. Panchayat Samiti – Block level
3. <b>Zila Parishad</b> – District level
d) Gram Sabha:
• A body of <b>all adult voters</b> in a village.
• Approves plans and keeps check on Panchayats.
e) Reservation:
• Seats reserved for:
o SCs/STs
• Women (not less than 33%)
• OBCs (if the state government provides)

# f) Term and Elections:

- 5-year term.
- Elections conducted by State Election Commission.

# g) State Finance Commission:

• Set up every 5 years to recommend distribution of funds to Panchayats.

# 3. 74th Constitutional Amendment Act, 1992 – Urban Local Self-Government

a)	Came	into	effect:	June	1,	1993
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- b) Added:
- Part IXA to the Constitution (Articles 243P to 243ZG)
- 12th Schedule (18 subjects for municipalities)
  - c) Types of Urban Local Bodies:
- 1. **Municipal Corporation** for large cities (e.g. Delhi, Mumbai)
- 2. **Municipality** for medium-sized towns
- 3. Nagar Panchayat for areas in transition from rural to urban
  - d) Composition:
- Members elected by the **people**.
- Some members can be **nominated**.
- Headed by a **Mayor** or **President**.
  - e) Reservation:
- Reservation for:
  - SCs, STs, Women (not less than 33%)

• **OBCs** (if the state provides)

f)	<b>Elections</b>	and	<b>Tenure:</b>
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- 5-year term.
- Elections conducted by the State Election Commission.

#### g) Finance Commission:

• Recommends how funds should be distributed among **urban local bodies**.

# 4. Importance of Local Self-Government

- Brings democracy to the grassroots.
- Encourages citizen participation in governance.
- Helps in **better planning** and implementation of welfare schemes.
- Makes the administration more accountable and efficient.

# 5. Challenges Faced

• Lack of financial resources.

- Low awareness and capacity of elected members.
- Political interference.
- **Delay in elections** in some states.
- Weak implementation of **decentralization** in many areas.

## 6. Conclusion

The 73rd and 74th Amendments have strengthened democracy in India by giving constitutional status to local governments. Effective functioning of Panchayats and Municipalities is essential for inclusive and sustainable development.

**Local Government in India: Special Reference to 74th Amendment** 

# 1. Introduction to Local Government

- Local Government refers to governance at the local level both rural and urban.
- It brings democracy closer to the people and ensures efficient local administration.
- The Constitution provided formal status to local bodies through two key amendments:

- 73rd Amendment (1992) for Rural Local Government (Panchayati Raj)
- 74th Amendment (1992) for Urban Local Government

2. 74th Constitutional Amendment Act, 1992

- a) Came into effect: June 1, 1993
- b) Purpose:
- To strengthen and organize urban local bodies.
- To give constitutional recognition and uniformity to urban local governance.
  - c) Added:
- Part IXA to the Constitution: Articles 243P to 243ZG
- 12th Schedule: Lists 18 functional items (e.g., urban planning, water supply, sanitation, roads, public health, waste management, etc.)

3. Types of Urban Local Bodies (ULBs)

Under the 74th Amendment, urban areas have three types of local bodies based on population:

Type of Body	Area Served	Headed by
Municip al Corpora tion	Big cities (e.g. Mumbai, Delhi)	Mayor
Municip ality	Medium towns (e.g. district towns)	Chairpe rson/Pr esident
Nagar Panchay at	Transitional areas (rural → urban)	Chairpe rson

# 4. Structure and Composition

- Members of ULBs are elected by the people through direct elections.
- There can be **nominated members** with special knowledge in urban governance.
- Each ULB has:
  - Ward Committees for large urban areas.

- **Mayor or Chairperson** as the political head.
- **Municipal Commissioner** as the administrative head (usually an IAS officer).

## 5. Reservation of Seats

- 33% of total seats reserved for women (including SCs/STs).
- Seats also reserved for:
  - Scheduled Castes (SCs)
  - Scheduled Tribes (STs)
  - Other Backward Classes (OBCs) (as per state policy)

## 6. Term and Elections

- **Term**: 5 years for each urban local body.
- If dissolved earlier, elections must be held within 6 months.
- Elections are conducted by the **State Election Commission**.

## 7. Finance and Revenue

- Urban Local Bodies get funds from:
  - o **Property tax**, water tax, trade license fees, etc.
  - State government grants
  - Central government schemes (e.g. Smart Cities Mission, AMRUT)
- State Finance Commission (set up every 5 years) advises on fund-sharing between the state and local bodies.

# 8. Powers and Functions (as per 12th Schedule)

- Urban Planning and town planning
- Regulation of land use
- Water supply, public health, sanitation, solid waste management
- Fire services
- Urban forestry and environment protection
- Slum improvement and poverty alleviation
- Public amenities (roads, lighting, markets)
- Urban transport

Note: Actual powers and responsibilities depend on **state** laws, which may vary.

# 9. Importance of the 74th Amendment

- Gave **constitutional status** to urban local bodies.
- Made urban governance more democratic, accountable, and participatory.
- Enabled better planning, service delivery, and inclusion in urban development.
- Promoted grassroots democracy in towns and cities.

# 10. Challenges in Implementation

- Limited financial autonomy
- Bureaucratic control over elected representatives
- Weak capacity and training of municipal staff
- Dependence on state governments
- Irregular elections in some states

## 11. Conclusion

The 74th Amendment was a major step toward strengthening urban democracy in India. It laid the foundation for efficient, inclusive, and accountable urban governance, though many challenges remain in full implementation.

