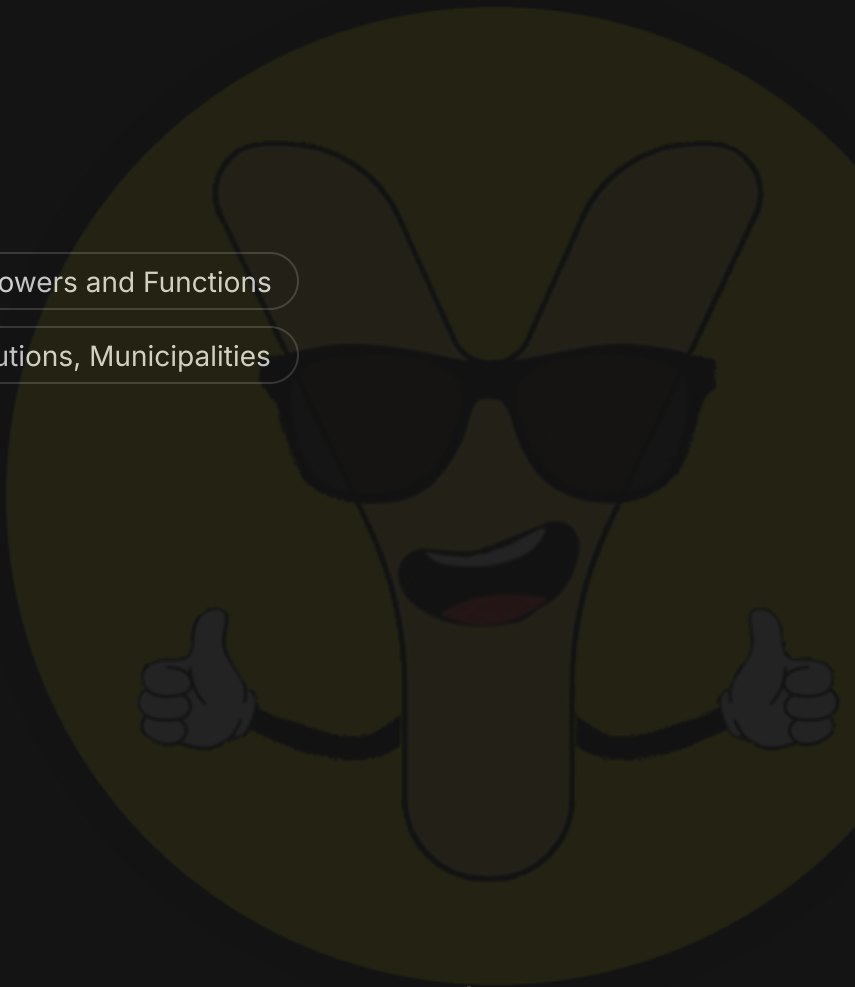
AKTU · 3RD YEAR · BNC501 / BNC601

Constitution of India

Unit 4 — State Government & Local Administration

- State Executive: Governor, Chief Minister, Council of Ministers, Advocate General of the State
- State Legislature: Vidhan Sabha (Legislative Assembly) and Vidhan Parishad (Legislative Council) – Composition, Powers and Functions
- State Judiciary: High Court – Composition, Jurisdiction and Powers
- Local Administration: Panchayati Raj Institutions, Municipalities



DECODED BY

Chirag Jain

Founder, Ycotes · Gold Medalist in Artificial Intelligence, IIT Madras · taught 10,000+ students

Unit 4: State Government & Local Administration

This unit covers the structure, powers, and functions of the State Government and Local Administration bodies in India.

- Understanding the State Executive: Governor, Chief Minister, Council of Ministers, Advocate General.
- Exploring the State Legislature: Vidhan Sabha and Vidhan Parishad.
- Delving into the State Judiciary: High Courts and their roles.
- Examining Local Administration: Panchayati Raj Institutions and Municipalities.

State Executive: The Governor

GOVERNOR

The Governor is the constitutional head of the state, acting as the representative of the President of India.

- Appointed by the President for a term of five years, holding office during the President's pleasure.
- Must be a citizen of India, at least 35 years old, and not hold any office of profit.
- Serves as a vital link between the Union and State governments.

Powers and Functions of the Governor

The Governor exercises executive, legislative, financial, and judicial powers within the state.

- Executive Powers
  - Appoints the Chief Minister and other ministers, Advocate General, and State Election Commissioner.
  - Can seek information from the Chief Minister regarding administrative affairs.
- Legislative Powers
  - Summons, prorogues, and dissolves the State Legislature.
  - Addresses the first session after general elections and the first session of each year.
  - Promulgates ordinances when the legislature is not in session (subject to legislative approval).
- Financial Powers
  - Ensures the Annual Financial Statement (State Budget) is laid before the legislature.
  - No money bill can be introduced without the Governor's prior recommendation.
- Judicial Powers
  - Can grant pardons, reprieves, respites, and remissions of punishment for offenses against state laws.
  - Consulted by the President during the appointment of High Court judges.

State Executive: Chief Minister

CHIEF MINISTER (CM)

The Chief Minister is the real executive authority of the state government, heading the Council of Ministers.

- Appointed by the Governor, usually the leader of the majority party in the State Legislative Assembly.
- Serves as the principal advisor to the Governor and the primary spokesperson for the state government.
- Holds office as long as he/she enjoys the confidence of the legislative assembly.

Powers and Functions of the Chief Minister

The Chief Minister plays a pivotal role in the state administration and policy-making.

- Formation of Council of Ministers
  - Advises the Governor on the appointment of ministers.
  - Allocates portfolios among the ministers and can reshuffle them.
- Leadership of the Council
  - Presides over the meetings of the Council of Ministers.
  - Guides, directs, controls, and coordinates the activities of all ministers.
- Link between Governor and Council
  - Communicates all decisions of the Council of Ministers to the Governor.
  - Furnishes information relating to the administration of the state as required by the Governor.
- Role in State Legislature
  - Chief spokesperson of the government in the State Legislative Assembly.
  - Initiates and guides major policy decisions and legislative proposals.

State Executive: Council of Ministers

The Council of Ministers, headed by the Chief Minister, exercises the real executive power in the state.

- Comprises Cabinet Ministers, Ministers of State, and Deputy Ministers.
- Collectively responsible to the State Legislative Assembly (Vidhan Sabha).
- Formulates policies and programs for the state government.
- Administers the state by implementing laws and policies.
- The size of the Council of Ministers is limited to 15% of the total strength of the Legislative Assembly (91st Amendment Act, 2003).

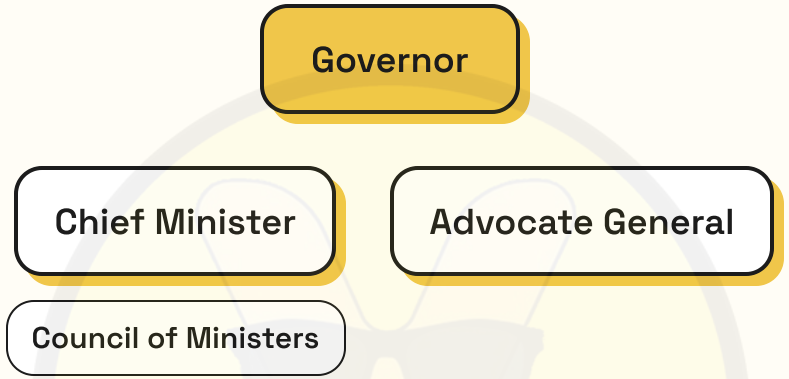
State Executive: Advocate General of the State

ADVOCATE GENERAL

The Advocate General is the highest law officer in the state, appointed by the Governor.

- Must be qualified to be appointed as a High Court Judge (citizen of India, 10 years judicial office or 10 years High Court advocate).
- Advises the state government on legal matters and performs legal duties assigned by the Governor.
- Has the right to speak and take part in the proceedings of both Houses of the State Legislature, but without a right to vote.
- Holds office during the pleasure of the Governor and receives remuneration as determined by the Governor.

Hierarchy of State Executive



The Governor is the constitutional head, while the Chief Minister and Council of Ministers form the real executive.

State Legislature: Vidhan Sabha (Legislative Assembly)

VIDHAN SABHA

The Vidhan Sabha is the popular House of the State Legislature, representing the people of the state.

- Members are directly elected by the people on the basis of adult franchise.
- The maximum strength is 500 members and the minimum is 60 members (exceptions for smaller states).
- Term is five years, but it can be dissolved earlier by the Governor on the advice of the Chief Minister.

Powers and Functions of Vidhan Sabha

The Vidhan Sabha holds significant legislative, financial, and executive control powers.

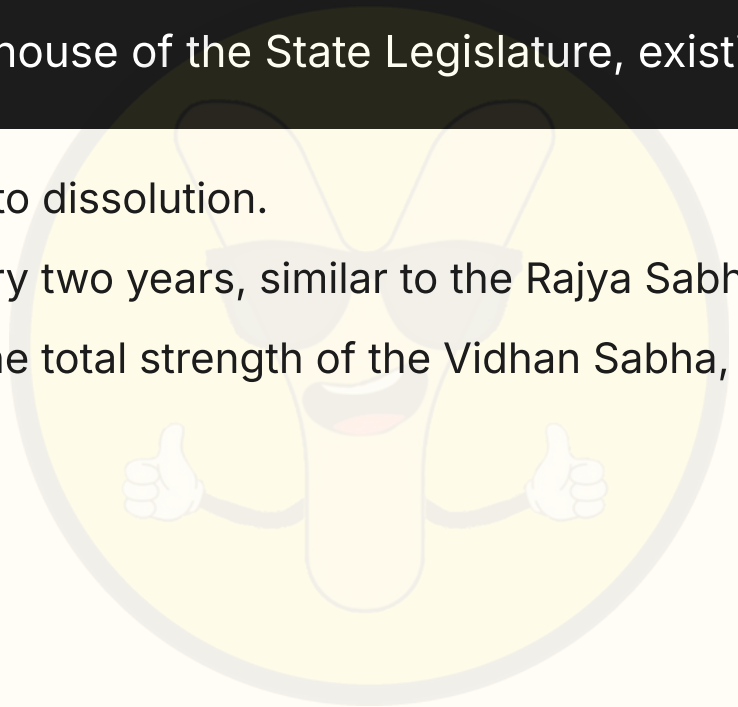
- Legislative Powers
  - Can make laws on subjects in the State List and Concurrent List.
  - Ordinary bills can originate in either house (if bicameral), but Vidhan Sabha's will prevails.
- Financial Powers
  - Money bills can only originate in the Vidhan Sabha.
  - It has the primary power to approve the state budget and all financial proposals.
- Control over Executive
  - The Council of Ministers is collectively responsible to the Vidhan Sabha.
  - Can pass no-confidence motions, censure motions, and cut motions to control the government.
- Electoral Powers
  - Participates in the election of the President of India.
  - Elects its own Speaker and Deputy Speaker from among its members.

State Legislature: Vidhan Parishad (Legislative Council)

VIDHAN PARISHAD

The Vidhan Parishad is the upper house of the State Legislature, existing in only six states currently.

- It is a permanent body, not subject to dissolution.
- One-third of its members retire every two years, similar to the Rajya Sabha.
- Maximum strength is one-third of the total strength of the Vidhan Sabha, with a minimum of 40 members.



Composition of Vidhan Parishad

Members of the Vidhan Parishad are indirectly elected or nominated through various categories.

- One-third
  - Elected by members of local bodies (municipalities, district boards).
- One-third
  - Elected by members of the Legislative Assembly (Vidhan Sabha) from among persons who are not members of the Assembly.
- One-twelfth
  - Elected by graduates of three years' standing residing in the state.
- One-twelfth
  - Elected by teachers of three years' standing in secondary schools or higher educational institutions.
- One-sixth
  - Nominated by the Governor from persons having special knowledge or practical experience in literature, science, art, cooperative movement, and social service.

Powers and Functions of Vidhan Parishad

The Vidhan Parishad has limited powers compared to the Vidhan Sabha, primarily advisory and delaying.

- Legislative Powers
  - Can initiate ordinary bills, but they must be passed by the Vidhan Sabha.
  - Can delay an ordinary bill passed by the Vidhan Sabha for a maximum of four months (three months initially, one month subsequently).
- Financial Powers
  - Cannot initiate money bills.
  - Can only discuss and make recommendations on money bills passed by the Vidhan Sabha, which are not binding.
  - Must return a money bill within 14 days; otherwise, it is deemed passed.
- Control over Executive
  - Has no real control over the Council of Ministers, as they are responsible only to the Vidhan Sabha.
  - Can ask questions and discuss policies, but cannot pass a no-confidence motion.
- Electoral Powers
  - Participates in the election of the President of India (indirectly, through Vidhan Sabha's role).
  - Elects its own Chairman and Deputy Chairman.

Vidhan Sabha vs. Vidhan Parishad

Feature	Vidhan Sabha (Legislative Assembly)	Vidhan Parishad (Legislative Council)
Nature	Lower House, Popular House	Upper House, House of Elders
Members	Directly elected by people	Indirectly elected and nominated
Strength	Max 500, Min 60	Max 1/3 of Vidhan Sabha, Min 40
Term	5 years (can be dissolved)	Permanent body, 1/3 members retire every 2 years
Money Bills	Can originate, ultimate power	Cannot originate, can only delay for 14 days
Control over Executive	Council of Ministers responsible to it	No direct control over Council of Ministers
Existence	Exists in all states	Exists in only 6 states (Andhra Pradesh, Bihar, Karnataka, Maharashtra, Telangana, Uttar Pradesh)

State Judiciary: High Court

HIGH COURT

The High Court is the highest judicial body in a state, exercising original and appellate jurisdiction.

- Every state has a High Court, or a common High Court for two or more states/Union Territories.
- It acts as the guardian of the Constitution and protector of fundamental rights at the state level.
- Judges are appointed by the President, in consultation with the Chief Justice of India, the Governor of the state, and the Chief Justice of that High Court.

Composition of High Court

Each High Court consists of a Chief Justice and such other judges as the President may deem necessary.

- **Appointment of Judges**
  - President appoints the Chief Justice and other judges.
  - Consultation with CJI and Governor is mandatory; for other judges, also with the Chief Justice of the concerned High Court.
- **Qualifications**
  - Must be a citizen of India.
  - Must have held a judicial office in India for at least ten years OR been an advocate of a High Court (or two or more such courts in succession) for at least ten years.
- **Tenure and Removal**
  - Judges hold office until they attain the age of 62 years.
  - Can be removed by the President on grounds of proved misbehavior or incapacity, through a process similar to Supreme Court judges.

Jurisdiction and Powers of High Court

High Courts possess extensive jurisdiction, including original, appellate, writ, and supervisory powers.

- Original Jurisdiction
  - Matters related to marriage, divorce, company law, contempt of court, and election petitions.
  - Can directly hear cases involving fundamental rights (Writ Jurisdiction).
- Appellate Jurisdiction
  - Hears appeals against judgments of subordinate courts (civil and criminal).
  - Can review decisions of tribunals and other quasi-judicial bodies.
- Writ Jurisdiction (Article 226)
  - Empowered to issue writs (Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto) for enforcement of fundamental rights and for any other legal right.
  - Broader than Supreme Court's writ jurisdiction (Article 32).
- Supervisory Jurisdiction
  - Supervises all subordinate courts and tribunals within its territorial jurisdiction.
  - Can call for returns from them, issue general rules, and prescribe forms for regulating their practice and proceedings.
- Control over Subordinate Courts
  - Deals with appointments, postings, and promotions of district judges and other judicial officers.

Local Administration: Panchayati Raj Institutions

PANCHAYATI RAJ

Panchayati Raj is a system of rural local self-government in India, established at the village, intermediate, and district levels.

- Constitutionalized by the 73rd Amendment Act of 1992, promoting democratic decentralization.
- Aims to empower local communities and ensure their participation in planning and development.
- Mandates regular elections, reservation of seats for SC/ST and women, and establishment of State Election Commission and State Finance Commission.

Structure and Functions of Panchayati Raj

The Panchayati Raj system operates on a three-tier structure for effective local governance.

- Gram Panchayat (Village Level)
  - Directly elected members (Panchas) and a Sarpanch (head).
  - Functions: sanitation, water supply, primary education, rural development schemes, maintenance of public property.
- Panchayat Samiti (Block/Intermediate Level)
  - Elected members from Gram Panchayats and ex-officio members.
  - Functions: coordinating development plans of Gram Panchayats, implementing state-sponsored schemes, supervising village panchayats.
- Zila Parishad (District Level)
  - Elected members, ex-officio members (MPs, MLAs, Collectors), and nominated members.
  - Functions: preparing district development plans, distributing funds, supervising Panchayat Samitis and Gram Panchayats.
- Mandatory reservation of one-third of seats for women at all three levels.

Local Administration: Municipalities

MUNICIPALITIES

Municipalities are institutions of urban local self-government, responsible for administering urban areas.

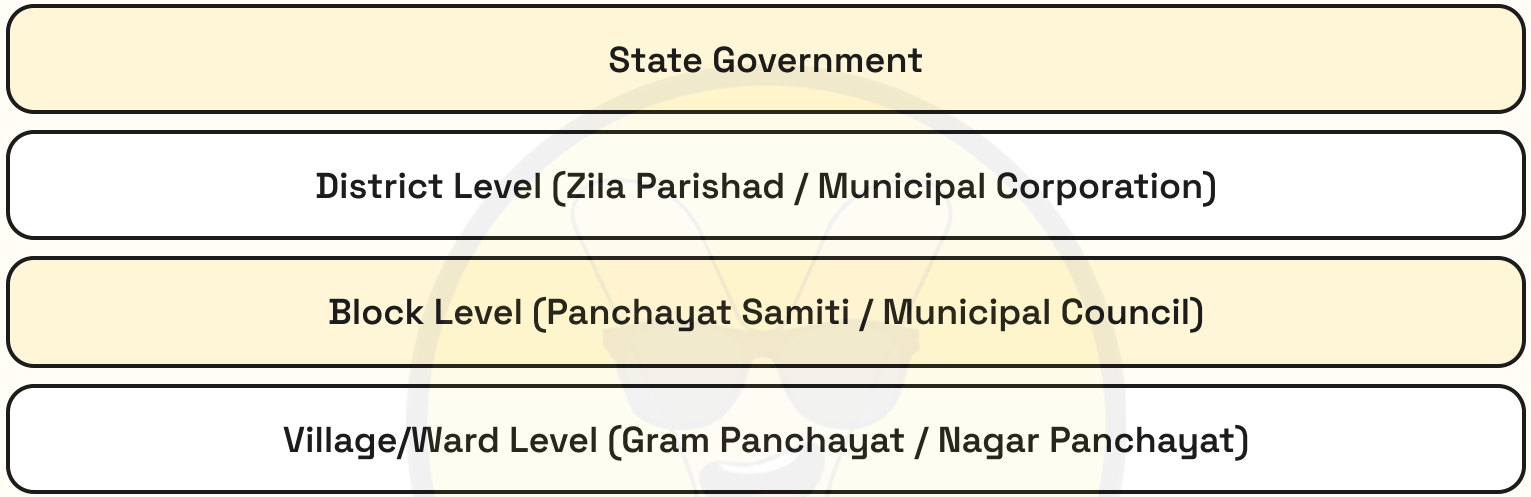
- Constitutionalized by the 74th Amendment Act of 1992, providing for their structure, powers, and functions.
- Aims to address the specific needs and challenges of urban populations.
- Mandates regular elections, reservation of seats for SC/ST and women, and establishment of Ward Committees.

Types and Functions of Municipalities

Urban local bodies are categorized based on population and perform essential civic duties.

- Nagar Panchayat
  - For areas in transition from rural to urban.
  - Functions: basic civic amenities, local development.
- Municipal Council (Nagar Palika Parishad)
  - For smaller urban areas.
  - Functions: public health, sanitation, water supply, roads, street lighting, primary education.
- Municipal Corporation (Mahanagar Palika)
  - For larger urban areas (metropolitan cities).
  - Functions: comprehensive urban planning, housing, public transport, solid waste management, fire services, parks, and recreation.
- All members are directly elected by the people, with a Mayor/President as the head.

Local Administration Structure



The diagram illustrates the hierarchical structure of local self-government bodies in India, under the State Government.

Exam corner

- **Q1** Discuss the discretionary powers of the Governor of a State. How is the Governor appointed and removed?
- **Q2** Explain the composition and functions of the State Council of Ministers. What is their collective responsibility?
- **Q3** Describe the composition, powers, and functions of the State Legislative Assembly (Vidhan Sabha).
- **Q4** Differentiate between the Vidhan Sabha and Vidhan Parishad in terms of their composition, powers, and financial control.
- **Q5** Elaborate on the composition, jurisdiction, and powers of a High Court in India. How does its writ jurisdiction differ from that of the Supreme Court?
- **Q6** What are Panchayati Raj Institutions? Explain their three-tier structure and key functions.
- **Q7** Discuss the types of Municipalities in India. Outline their main functions and the significance of the 74th Constitutional Amendment Act.
- **Q8** Write a short note on the role and qualifications of the Advocate General of the State.

Unit 4 done. You are exam-ready.

Revise the Exam corner once more, then open Unit 5 on theycotes.com. Every AKTU subject, unit by unit, free. Notes by Chirag Jain, Ycotes.

