



# RKDF UNIVERSITY, BHOPAL

## Bachelor of Art

### Open Distance Learning Program

### First Semester MINOR

Course	Category	Subject	Subject Code
<b>B.A.</b>	<b>MINOR</b>	<b>INDIAN CONSTITUTION</b>	<b>BAPS-102</b>
<b>Total Credit: 6</b>		<b>Max.Marks:100 (Internal:40+External:60)</b>	

#### Course Outcomes:

Units	Topic	Duration (In Hours)	Marks
I	<b>Genesis of the Indian Constitution and Salient Features 1. Constitutional Development in India. 2. Making of the Constituent Assembly: History and objectives. 3. Salient Features of the constitution: 1.1.Preamble 1.2.Fundamental Rights and Duties. 1.3. Directive Principles of State Policy. 1.4. Procedure for constitutional Amendment.</b>	18	20
II	<b>Legislature 1. Central Legislature 1.1. Indian ParliamentComposition and Functions of the Lok Sabha and Rajya Sabha. 1.2. Speaker of the Lok sabharole, Power and Functions. Independence and Impartiality of the Speaker. 1.3. Legislative procedure of the Parliament. 2. State Legislature 2.1. Vidhan ShabhaComposition and Functions. 2.2. Vidhan ParishadComposition and Functions.</b>	19	20
III	<b>Executive 1. Union Executive 1.1. President-Power and Functions. 1.2. Prime Minister-Role and Functions. 1.3. Council of MinistersComposition, Role and Functions. 2. State Executive 2.1. Governor-Power and Functions. 2.2. Chief Minister-Power and Functions. 2.3. State Council of Ministers.</b>	18	20
IV	<b>Judiciary and Other Constitutional Bodies 1. Superme Court-Composition and Jurisdiction 2. High Court Composition and Jurisdiction. 3. Constitutional Bodies 3.1. Election Commission. 3.2. Union Public Service Commission. 3.3. National Commission for SC's. 3.4. National Commission for ST's. 3.5. State Public Service Commission.</b>	18	20

V	<b>Division of Powers 1. Centre state Relations 1.1. Legislative Relations. 1.2. Administrative Relations. 1.3. Financial Relations. 2. Local Self Government-73rd and 74th Amendment.</b>	18	20
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***\*Note: Topic/ Topics in Bold Italic represent enhancements made by the college.***

## Part- C Learning Resource

### Text Books, Reference Books, Other Resources

1. Part- C Learning Resource Text Books, Reference Books, Other Resources Suggested Readings: 1. Acharya, A. & Bhargava, R. (Ed.) "Political Theory: An Introduction", Pearson, New Delhi, 2008 2. Arblaster, A., Democracy: Concepts in the Social Sciences", Open University Press, New York, 1994. 3. Bhargava, R., "What is Political Theory and Why Do We Need it?", Oxford University Press, Oxford, 2010 4. Barry, N., "An Introduction to Modern Political theory, Macmillan, London, 1981. 5. Held, D. "Models of Democracy". Polity Press, Cambridge, 1991. 6. Farrelly, C.A. "Introduction to Contemporary Political Theory: A Reader", London, Sage, 2004 7. Gauba, O.P. An Introduction to Political Theory, Macmillan Publication, Delhi, 2009 8. Heywood, A. Political Ideologies: An Introduction". Palgrave. London, 2004. 9. Heywood, A. "Politics", Palgrave Macmillan, London, 2013. 10. Mackinnon, C "Issues in Political Theory", Oxford University Press, New York, 2008. 11. Smits, K. "Applying Political Theory, Palgrave Macmillan, London, 2016. 12. Vincent, A. "The Nature of Political Theory". Oxford University Press, New York, 2004. Suggested equivalent online courses NPTEL-Introduction to Political Theory By Prof. Mithilesh Kumar Jha. IIT Guwahati [https://onlinecourses.nptel.ac.in/noc20\\_hs35/preview](https://onlinecourses.nptel.ac.in/noc20_hs35/preview)

## UNIT -1

Genesis of the Indian Constitution and Salient Features 1. Constitutional Development in India. 2. Making of the Constituent Assembly: History and objectives. 3. Salient Features of the constitution: 1.1.Preamble 1.2.Fundamental Rights and Duties. 1.3. Directive Principles of State Policy. 1.4. Procedure for constitutional Amendment

### Genesis of the Indian Constitution

The Indian Constitution, which came into effect on January 26, 1950, is a result of an extensive and inclusive process that began well before India achieved independence from British colonial rule. Here is a brief overview of its genesis:

1. **Historical Context:** The struggle for independence and the demand for self-rule intensified in the early 20th century. The Indian National Congress and other political movements advocated for a constitution that would guarantee fundamental rights and self-governance.
2. **British Reforms:** Several acts introduced by the British, such as the Government of India Acts of 1919 and 1935, laid the groundwork for self-governance but fell short of full independence.
3. **Constituent Assembly:** The Constituent Assembly of India was formed in 1946, following the Cabinet Mission Plan. It comprised members elected by provincial assemblies and nominated by princely states, representing diverse political and social groups.
4. **Drafting Process:** Dr. B.R. Ambedkar was appointed as the Chairman of the Drafting Committee. The Assembly held 11 sessions over two years, engaging in detailed debates and discussions. Inputs were taken from various sources, including the

Government of India Act, 1935, British parliamentary practices, the U.S. Constitution, and the constitutions of Ireland, Canada, and Australia.

5. **Adoption:** The final draft of the Constitution was adopted on November 26, 1949, and came into effect on January 26, 1950, which is celebrated as Republic Day in India.

### **Salient Features of the Indian Constitution**

1. **Length and Detail:** The Indian Constitution is one of the longest written constitutions in the world, with 395 articles and 12 schedules at its inception. It covers a wide range of issues and provides detailed provisions for governance.
2. **Preamble:** The Preamble outlines the core values and principles of the Constitution, including justice, liberty, equality, and fraternity. It declares India to be a Sovereign, Socialist, Secular, Democratic Republic.
3. **Federal Structure with Unitary Bias:** The Constitution establishes a federal system with a clear division of powers between the central and state governments. However, it grants significant powers to the central government, allowing it to maintain national integrity and unity.
4. **Parliamentary System:** India adopts a parliamentary form of government, similar to the British system, where the executive is responsible to the legislature. The President is the nominal head of state, while the Prime Minister is the head of government.
5. **Fundamental Rights:** Part III of the Constitution guarantees fundamental rights to all citizens, including the right to equality, freedom of speech and expression, right to life and personal liberty, and protection against discrimination and exploitation.
6. **Directive Principles of State Policy:** Part IV outlines the Directive Principles, which are guidelines for the state to promote social and economic welfare. Though not justiciable, they aim to establish a just society and inform policymaking.
7. **Fundamental Duties:** Added by the 42nd Amendment in 1976, Part IV-A lists the fundamental duties of citizens, emphasizing the importance of civic responsibilities in strengthening democracy.
8. **Independent Judiciary:** The Constitution provides for an independent judiciary, with the Supreme Court at its apex, to interpret the Constitution and protect fundamental rights. Judicial review is a critical feature, allowing courts to invalidate laws that contravene the Constitution.

9. **Secularism:** The Indian Constitution ensures that the state has no official religion and treats all religions equally, promoting religious harmony and tolerance.
10. **Single Citizenship:** Unlike some federal systems, the Indian Constitution provides for single citizenship for all Indians, promoting national unity and solidarity.
11. **Emergency Provisions:** The Constitution includes provisions for declaring emergencies (national, state, and financial), granting extensive powers to the central government during such periods to maintain law and order.
12. **Amendability:** The Constitution can be amended to address changing needs and circumstances. However, the basic structure doctrine, established by the Supreme Court, ensures that certain fundamental features cannot be altered.

## **Conclusion**

The Indian Constitution is a comprehensive document that reflects the aspirations and values of the Indian people. It balances the need for a strong central authority with federal principles, ensures fundamental rights and social justice, and adapts to changing conditions while preserving its core values.

## **Constitutional Development in India**

The constitutional development in India is a complex and lengthy process that spans several centuries, reflecting the country's transition from a collection of princely states and colonial territories to a sovereign democratic republic. Here is an overview of the key stages in the constitutional development of India:

### **Early Influences and Colonial Period**

#### **1. Ancient and Medieval Periods:**

- Ancient texts like the Arthashastra by Kautilya and the Manusmriti laid down principles of governance, law, and order.
- Various kingdoms and empires had their own forms of administration and law, influenced by local customs, traditions, and religious texts.

## **2. East India Company Rule (1600-1858):**

- The British East India Company gradually expanded its control over India through treaties, annexations, and conquests.
- Several Acts of British Parliament regulated the Company's activities, such as the Regulating Act of 1773, Pitt's India Act of 1784, and the Charter Acts (1793, 1813, 1833, and 1853).

## **3. British Crown Rule (1858-1947):**

- Following the Revolt of 1857, the British Crown took direct control of India through the Government of India Act 1858, establishing the office of the Secretary of State for India.
- The Indian Councils Acts (1861, 1892) introduced limited Indian representation in the legislative councils.

## **Towards Self-Governance**

### **4. Government of India Act 1909 (Morley-Minto Reforms):**

- Introduced separate electorates for Muslims, which allowed them to elect their representatives separately.

### **5. Government of India Act 1919 (Montagu-Chelmsford Reforms):**

- Introduced a dual system of governance (dyarchy) in the provinces, dividing subjects into "transferred" and "reserved" categories.
- Increased Indian representation in the central and provincial legislatures.

### **6. Government of India Act 1935:**

- Proposed a federation of British India and princely states, though the federation never materialized.
- Introduced provincial autonomy, replacing dyarchy with responsible government in the provinces.
- Established a Federal Court, a precursor to the Supreme Court of India.

## **Road to Independence**

### **7. The Demand for Constituent Assembly:**

- The Indian National Congress and other political parties demanded a constituent assembly to draft a constitution for independent India.

- The Cripps Mission (1942) proposed an Indian union with dominion status but was rejected by Indian leaders.

#### **8. Formation of the Constituent Assembly (1946):**

- Following the Cabinet Mission Plan (1946), elections were held to form the Constituent Assembly.
- The Assembly was tasked with drafting a constitution for independent India.

### **Drafting and Adoption of the Constitution**

#### **9. Drafting Committee:**

- The Drafting Committee, chaired by Dr. B.R. Ambedkar, was formed to prepare the draft constitution.
- The Constituent Assembly held extensive debates and discussions over nearly three years.

#### **10. Adoption of the Constitution:**

- The Constitution was adopted on November 26, 1949, and came into effect on January 26, 1950, marking the establishment of the Republic of India.

### **Post-Independence Amendments and Developments**

#### **11. Constitutional Amendments:**

- The Indian Constitution has been amended numerous times to address evolving political, social, and economic challenges.
- Notable amendments include the First Amendment (1951) that added restrictions to freedom of speech and land reforms, the 42nd Amendment (1976) that made significant changes during the Emergency period, and the 44th Amendment (1978) that reversed some of the changes made by the 42nd Amendment.

#### **12. Judicial Interpretations:**

- The judiciary, particularly the Supreme Court, has played a crucial role in interpreting and shaping the Constitution through landmark judgments.
- The "Basic Structure Doctrine" established in the Kesavananda Bharati case (1973) ensures that certain fundamental features of the Constitution cannot be altered by amendments.



## **Conclusion**

The constitutional development in India reflects a journey from colonial subjugation to democratic self-governance, guided by the aspirations and struggles of its people. The Indian Constitution, as a living document, continues to evolve, balancing tradition and modernity, and addressing the needs of a diverse and dynamic society.

## **Making of the Constituent Assembly: History and objectives**

### **History of the Constituent Assembly**

The Constituent Assembly of India was formed to draft the Constitution of India and played a pivotal role in shaping the newly independent nation's democratic framework. Here is a detailed overview of its history and objectives:

### **Historical Background**

#### **1. Early Demands for Self-Governance:**

- The demand for self-governance and constitutional reforms began in the late 19th and early 20th centuries with the Indian National Congress and other political movements advocating for greater Indian participation in the legislative process.

#### **2. Montagu-Chelmsford Reforms (1919):**

- Introduced limited self-governance through dyarchy, but fell short of full self-rule.

#### **3. Simon Commission (1927):**

- Aimed to review the working of the Government of India Act 1919, but was boycotted by Indian leaders as it did not include any Indian members.

#### **4. Nehru Report (1928):**

- Drafted by Motilal Nehru, it was the first attempt by Indians to frame a constitution for the country. It demanded dominion status and outlined fundamental rights and the structure of government.

**5. Round Table Conferences (1930-1932):**

- A series of conferences in London aimed at discussing constitutional reforms, but they failed to yield significant results due to differences between British officials and Indian leaders.

**6. Government of India Act 1935:**

- Provided for provincial autonomy and proposed a federal structure but did not grant full independence. It served as a precursor to the Indian Constitution.

**7. August Offer (1940):**

- Proposed by the British government, it offered to include more Indians in the executive council and to create a body to frame the post-war constitution, but it was rejected by Indian leaders.

**8. Cripps Mission (1942):**

- Proposed dominion status and the formation of a constituent assembly after the war. It was also rejected by Indian leaders.

**9. Quit India Movement (1942):**

- Launched by the Indian National Congress, it demanded an end to British rule and intensified the struggle for independence.

**Formation of the Constituent Assembly**

**1. Cabinet Mission Plan (1946):**

- The British government sent the Cabinet Mission to India to discuss the transfer of power. The plan proposed the formation of a Constituent Assembly to draft the Constitution of India.
- The Assembly was to be composed of 389 members: 292 elected from British Indian provinces, 93 from princely states, and 4 from chief commissioner's provinces.

**2. Elections to the Constituent Assembly:**

- Members were elected indirectly by the provincial legislative assemblies using a single transferable vote system. The elections were held in July 1946.

**3. First Meeting (December 9, 1946):**

- The Constituent Assembly met for the first time in New Delhi. Dr. Sachchidananda Sinha was elected as the temporary president of the Assembly, and later Dr. Rajendra Prasad became the permanent president.

- The Muslim League initially boycotted the Assembly, demanding a separate state of Pakistan.

#### **4. Independence and Partition:**

- On August 15, 1947, India gained independence, and the country was partitioned into India and Pakistan. The Constituent Assembly was divided, with separate assemblies for India and Pakistan.

### **Objectives of the Constituent Assembly**

#### **1. Drafting a Democratic Constitution:**

- To draft a Constitution that would establish India as a sovereign, democratic, and republic nation, ensuring a government elected by the people.

#### **2. Ensuring Fundamental Rights:**

- To guarantee fundamental rights to all citizens, ensuring equality, liberty, and justice.

#### **3. Promoting Social and Economic Justice:**

- To create a framework that promotes social and economic justice, reducing inequalities and addressing the needs of the marginalized and underprivileged sections of society.

#### **4. Establishing Federal Structure:**

- To frame a Constitution that provides a federal structure of government, balancing the powers between the central government and the states.

#### **5. Securing Unity and Integrity:**

- To ensure the unity and integrity of the nation while accommodating the diverse cultural, linguistic, and religious composition of the country.

#### **6. Protecting Minority Rights:**

- To safeguard the rights and interests of minorities, ensuring their protection and participation in the democratic process.

#### **7. Adopting a Parliamentary System:**

- To adopt a parliamentary system of government, with a clear separation of powers and checks and balances among the executive, legislative, and judicial branches.

#### **8. Incorporating Directive Principles:**

- To include Directive Principles of State Policy as guidelines for the state to ensure social and economic welfare, though not enforceable by law.

## **Conclusion**

The Constituent Assembly of India was a historic body that played a crucial role in framing the Constitution of India. Its formation and objectives reflected the aspirations and vision of the Indian people for a free, democratic, and just society. The Assembly's work laid the foundation for the Republic of India, establishing principles and institutions that continue to guide the nation's governance and development.

## **Salient Features of the constitution**

The Indian Constitution, adopted on November 26, 1949, and effective from January 26, 1950, is a comprehensive and elaborate document. It reflects the diverse and pluralistic society of India, balancing the need for a strong central authority with the importance of federalism. Here are the salient features of the Indian Constitution:

### **1. Length and Detail**

- **Comprehensive Document:** It is one of the longest written constitutions in the world, initially comprising 395 articles, 22 parts, and 8 schedules. It now has over 450 articles, 25 parts, and 12 schedules after numerous amendments.

### **2. Preamble**

- **Introduction and Philosophy:** The Preamble outlines the objectives and philosophical basis of the Constitution. It declares India to be a Sovereign, Socialist, Secular, Democratic Republic and emphasizes justice, liberty, equality, and fraternity.

### **3. Federal Structure with Unitary Bias**

- **Dual Polity:** India has a federal system with a clear division of powers between the central government and state governments.
- **Unitary Features:** During emergencies, the Constitution allows for a stronger central government, reflecting a unitary bias.

#### 4. Parliamentary System of Government

- **Responsible Government:** India follows a parliamentary system similar to the British model, where the executive is responsible to the legislature.
- **Head of State and Government:** The President is the ceremonial head of state, while the Prime Minister is the head of government.

#### 5. Fundamental Rights

- **Protection of Individual Liberties:** Part III of the Constitution guarantees fundamental rights to all citizens, including the right to equality, freedom of speech, freedom of religion, and the right to constitutional remedies.
- **Enforceability:** These rights are justiciable, and individuals can approach the judiciary for their enforcement.

#### 6. Directive Principles of State Policy

- **Guiding Principles:** Part IV contains Directive Principles, which are non-justiciable guidelines for the state to ensure social and economic welfare. These principles aim to create a welfare state.

#### 7. Fundamental Duties

- **Citizen Responsibilities:** Added by the 42nd Amendment in 1976, Part IV-A lists the fundamental duties of citizens, emphasizing civic responsibilities like respecting the Constitution, national symbols, and promoting harmony.

#### 8. Secularism

- **Equal Respect for All Religions:** The Constitution ensures that the state treats all religions equally, without favoring any religion, promoting religious freedom and tolerance.

## 9. Independent Judiciary

- **Guardian of the Constitution:** The judiciary, particularly the Supreme Court, is independent and has the power of judicial review to ensure the supremacy of the Constitution.
- **Judicial Review:** The courts can invalidate laws and actions of the government that violate constitutional provisions.

## 10. Single Citizenship

- **Unified National Identity:** Unlike some federal systems, the Indian Constitution provides for single citizenship, promoting national unity and identity.

## 11. Emergency Provisions

- **Dealing with Crises:** The Constitution includes provisions for national, state, and financial emergencies, granting extensive powers to the central government to maintain law and order.

## 12. Bicameral Legislature

- **Two Houses:** The Parliament of India consists of two houses - the Rajya Sabha (Council of States) and the Lok Sabha (House of the People).

## 13. Universal Adult Suffrage

- **Inclusive Voting Rights:** The Constitution grants the right to vote to all citizens aged 18 and above, regardless of caste, creed, religion, or gender.

## 14. Reservation and Affirmative Action

- **Social Justice:** The Constitution provides for reservations in legislatures, educational institutions, and government jobs for Scheduled Castes, Scheduled Tribes, and Other Backward Classes to promote social justice and equality.

## 15. Amendment Procedure

- **Flexibility and Rigidity:** The Constitution can be amended to adapt to changing needs and circumstances. However, the process involves a mix of flexibility and rigidity to protect its fundamental principles.

## **16. Panchayati Raj and Municipalities**

- **Local Self-Government:** The 73rd and 74th Amendments introduced provisions for establishing Panchayati Raj institutions and urban local bodies, promoting local self-governance.

## **17. Quasi-Federal Nature**

- **Combination of Federal and Unitary:** While the Constitution establishes a federal structure, it allows for a strong central government, especially during emergencies, creating a quasi-federal system.

## **18. Special Provisions for States**

- **Addressing Diversity:** The Constitution includes special provisions for certain states like Jammu and Kashmir (Article 370, now abrogated) and the northeastern states to address their unique needs and circumstances.

## **Conclusion**

The Indian Constitution is a living document that has evolved through amendments and judicial interpretations. Its salient features reflect the aspirations and values of the Indian people, aiming to create a just, equitable, and democratic society while accommodating the country's vast diversity.

## **Preamble**

The Preamble to the Indian Constitution serves as an introduction to the document and reflects the philosophy and core values upon which the Constitution is based. It reads as follows:

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

## **Fundamental Rights**

Part III of the Indian Constitution (Articles 12-35) outlines the Fundamental Rights, which are guaranteed to all citizens to protect their freedoms and ensure equality. Key fundamental rights include:

### **1. Right to Equality (Articles 14-18):**

- Equality before law and equal protection of the laws (Article 14).



- Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth (Article 15).
  - Equality of opportunity in matters of public employment (Article 16).
  - Abolition of untouchability (Article 17).
  - Abolition of titles (Article 18).
- 2. Right to Freedom (Articles 19-22):**
- Freedom of speech and expression, assembly, association, movement, residence, and profession (Article 19).
  - Protection in respect of conviction for offenses (Article 20).
  - Protection of life and personal liberty (Article 21).
  - Protection against arrest and detention in certain cases (Article 22).
- 3. Right against Exploitation (Articles 23-24):**
- Prohibition of human trafficking and forced labor (Article 23).
  - Prohibition of employment of children in factories and hazardous jobs (Article 24).
- 4. Right to Freedom of Religion (Articles 25-28):**
- Freedom of conscience and free profession, practice, and propagation of religion (Article 25).
  - Freedom to manage religious affairs (Article 26).
  - Freedom from payment of taxes for promotion of any particular religion (Article 27).
  - Freedom from attending religious instruction or worship in certain educational institutions (Article 28).
- 5. Cultural and Educational Rights (Articles 29-30):**
- Protection of interests of minorities (Article 29).
  - Right of minorities to establish and administer educational institutions (Article 30).
- 6. Right to Constitutional Remedies (Article 32):**
- The right to move the Supreme Court for the enforcement of fundamental rights.

## **Fundamental Duties**

Part IVA (Article 51A) lists the Fundamental Duties of citizens, which were added by the 42nd Amendment in 1976. These duties emphasize the moral obligations of citizens to promote a spirit of patriotism and uphold the unity of India. Key duties include:

1. To abide by the Constitution and respect its ideals and institutions, the National Flag, and the National Anthem.
2. To cherish and follow the noble ideals that inspired the national struggle for freedom.
3. To uphold and protect the sovereignty, unity, and integrity of India.
4. To defend the country and render national service when called upon to do so.
5. To promote harmony and the spirit of common brotherhood among all the people of India, transcending religious, linguistic, and regional or sectional diversities.
6. To renounce practices derogatory to the dignity of women.
7. To value and preserve the rich heritage of the country's composite culture.
8. To protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures.
9. To develop scientific temper, humanism, and the spirit of inquiry and reform.
10. To safeguard public property and abjure violence.
11. To strive towards excellence in all spheres of individual and collective activity.
12. To provide opportunities for education to children between the ages of six and fourteen years.

## **Directive Principles of State Policy**

Part IV (Articles 36-51) outlines the Directive Principles of State Policy, which are guidelines for the state to ensure social and economic democracy. Though non-justiciable, these principles are fundamental in the governance of the country. Key directives include:

### **1. Economic and Social Principles:**

- Ensure adequate means of livelihood (Article 39).
- Promote equal pay for equal work (Article 39(d)).
- Protect children and youth from exploitation and moral and material abandonment (Article 39(e)).

- Ensure that the operation of the economic system does not result in the concentration of wealth (Article 39(c)).
2. **Gandhian Principles:**
    - Promote cottage industries (Article 43).
    - Provide a living wage and decent standard of life to all workers (Article 43).
  3. **Social Welfare Principles:**
    - Promote the educational and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker sections (Article 46).
    - Raise the level of nutrition and standard of living, and improve public health (Article 47).
  4. **Legal and Administrative Principles:**
    - Organize village panchayats (Article 40).
    - Promote justice on the basis of equal opportunity (Article 39A).

## **Procedure for Constitutional Amendment**

Article 368 of the Indian Constitution provides the procedure for amending the Constitution. The process ensures a balance between flexibility and rigidity to adapt to changing needs while protecting fundamental principles. Key points include:

1. **Initiation:**
  - An amendment can be initiated only by the introduction of a Bill in either House of Parliament (Lok Sabha or Rajya Sabha).
2. **Types of Amendments:**
  - **Simple Majority:** Some provisions can be amended by a simple majority of the members present and voting. These do not come under Article 368 (e.g., changing the name of a state).
  - **Special Majority:** Most provisions require a special majority for amendment, meaning a majority of the total membership of each House and a two-thirds majority of the members present and voting.
  - **Special Majority and Ratification by States:** Certain provisions affecting the federal structure, such as the election of the President, distribution of legislative powers, and representation of states, require a special majority in Parliament and ratification by at least half of the state legislatures.
3. **Assent of the President:**

- After being passed by both Houses of Parliament, the amendment Bill is presented to the President for assent. The President must give assent for the Bill to become an amendment.

## **Conclusion**

The Indian Constitution's Preamble, Fundamental Rights, Fundamental Duties, and Directive Principles of State Policy provide a robust framework for governance, ensuring justice, liberty, equality, and fraternity. The procedure for constitutional amendments allows the Constitution to evolve with changing times while safeguarding its core principles.

## Unit 2-

**Legislature 1. Central Legislature 1.1. Indian Parliament Composition and Functions of the Lok Sabha and Rajya Sabha. 1.2. Speaker of the Lok Sabha, Power and Functions. Independence and Impartiality of the Speaker. 1.3. Legislative procedure of the Parliament. 2. State Legislature 2.1. Vidhan Sabha Composition and Functions. 2.2. Vidhan Parishad Composition and Functions.**

India has a parliamentary system of government, which is federal in nature but with a unitary bias. The legislative system in India is bicameral at the national level, consisting of two houses: the Lo

k Sabha (House of the People) and the Rajya Sabha (Council of States). At the state level, the legislature can be either unicameral or bicameral, depending on the state. Here's a detailed overview of the legislature system in India:

### **National Legislature**

#### **Lok Sabha (House of the People)**

##### **1. Composition:**

- The Lok Sabha is composed of representatives directly elected by the people of India.
- The maximum strength of the Lok Sabha is 552 members, comprising 530 members representing states, 20 members representing Union Territories, and 2 members nominated by the President from the Anglo-Indian community if deemed necessary.

##### **2. Term and Election:**

- Members of the Lok Sabha are elected for a term of five years.
- Elections are based on a first-past-the-post system in single-member constituencies.

### **3. Functions and Powers:**

- The Lok Sabha is the primary legislative body, responsible for making laws on subjects in the Union List and Concurrent List.
- It controls the executive branch of the government, as the Council of Ministers, including the Prime Minister, is collectively responsible to the Lok Sabha.
- The Lok Sabha has the power to introduce and pass money bills, which the Rajya Sabha cannot amend but can only make recommendations on.
- It plays a crucial role in budget discussions and the approval of financial proposals.

## **Rajya Sabha (Council of States)**

### **1. Composition:**

- The Rajya Sabha consists of up to 250 members, of which 12 are nominated by the President for their expertise in specific fields such as literature, science, art, and social services.
- The remaining members are elected by the elected members of State Legislative Assemblies and Electoral college for Union Territories.

### **2. Term and Election:**

- Members of the Rajya Sabha serve staggered six-year terms, with one-third of the members retiring every two years.
- Elections are held using a single transferable vote system and proportional representation.

### **3. Functions and Powers:**

- The Rajya Sabha represents the states of India and serves as a revising chamber for legislation passed by the Lok Sabha.
- It can suggest amendments to money bills but cannot reject or amend them.
- The Rajya Sabha has special powers to recommend the creation of new All-India Services and to approve resolutions allowing Parliament to legislate on state subjects under certain conditions.

## **State Legislature**

### **1. Unicameral State Legislatures:**

- Most Indian states have unicameral legislatures, consisting of a single house called the Legislative Assembly (Vidhan Sabha).
- Members of the Legislative Assembly are directly elected by the people of the state for a term of five years.

## 2. **Bicameral State Legislatures:**

- Some states have a bicameral legislature, consisting of the Legislative Assembly (Vidhan Sabha) and the Legislative Council (Vidhan Parishad).
- Members of the Legislative Assembly are directly elected, while members of the Legislative Council are elected by various electoral bodies, including graduates, teachers, and local authorities, and some are nominated by the Governor.

## **Legislative Process**

### 1. **Bill Introduction:**

- Bills can be introduced in either house of Parliament or the state legislature, except for money bills, which must be introduced in the Lok Sabha or the Legislative Assembly.
- Bills can be proposed by ministers (government bills) or by private members (private members' bills).

### 2. **Passage of Bills:**

- A bill must be passed by both houses of Parliament or the state legislature and receive the President's or Governor's assent to become law.
- If there is a disagreement between the two houses of Parliament, a joint session may be called to resolve the issue.

### 3. **Money Bills:**

- Money bills deal with taxation, borrowing, and expenditure and can only be introduced in the Lok Sabha or Legislative Assembly.
- The Rajya Sabha or Legislative Council can only make recommendations on money bills, which the Lok Sabha or Legislative Assembly may accept or reject.

## **Special Provisions**

### 1. **Parliamentary Privileges:**

- Members of Parliament and state legislatures enjoy certain privileges and immunities, including freedom of speech within the house and protection from arrest in civil cases during sessions.

## 2. **President and Governor's Role:**

- The President and Governors play a crucial role in the legislative process, including summoning and proroguing sessions, addressing the opening session of Parliament or the state legislature, and giving assent to bills.

## 3. **Amendments:**

- The Constitution provides a detailed process for amending its provisions, involving both houses of Parliament and, in some cases, ratification by state legislatures.

The legislative system in India is designed to balance representation of the people through the Lok Sabha and representation of states through the Rajya Sabha, ensuring a federal structure while maintaining a strong central government. At the state level, the legislature's structure varies based on unicameral or bicameral systems, tailored to the needs and historical context of each state.

The central legislature in India, known as the Parliament of India, is a bicameral institution comprising two houses: the Lok Sabha (House of the People) and the Rajya Sabha (Council of States). Together, these two houses perform the legislative functions of the central government. Here is a detailed overview of the central legislature:

### **Lok Sabha (House of the People)**

#### **Composition**

- **Members:** The Lok Sabha can have a maximum of 552 members. Of these, up to 530 members represent the states, up to 20 members represent the Union Territories, and 2 members can be nominated by the President to represent the Anglo-Indian community if deemed necessary.
- **Elections:** Members are directly elected by the people of India using a first-past-the-post electoral system.



- **Term:** The Lok Sabha has a term of five years, unless dissolved earlier. However, it can be extended during a national emergency for one year at a time.

## Functions and Powers

- **Legislative Functions:** The Lok Sabha is the primary legislative body responsible for making laws on subjects in the Union List and Concurrent List. It initiates and passes bills, including money bills and financial legislation.
- **Financial Powers:** The Lok Sabha has exclusive powers over money bills. A money bill can only be introduced in the Lok Sabha and, after being passed, is sent to the Rajya Sabha for recommendations. The Rajya Sabha must return the bill with or without recommendations within 14 days, and the Lok Sabha may accept or reject these recommendations.
- **Control Over the Executive:** The Council of Ministers, headed by the Prime Minister, is collectively responsible to the Lok Sabha. The Lok Sabha can remove the government by passing a vote of no confidence.
- **Budget Approval:** The Lok Sabha plays a crucial role in budget discussions and the approval of financial proposals presented by the government.

## Rajya Sabha (Council of States)

### Composition

- **Members:** The Rajya Sabha has a maximum of 250 members. Of these, 238 are elected by the elected members of State Legislative Assemblies and Electoral college for Union Territories using a single transferable vote system and proportional representation. The President nominates 12 members for their expertise in literature, science, art, and social services.
- **Term:** Rajya Sabha is a permanent body and is not subject to dissolution. However, one-third of its members retire every two years, and elections are held to fill the vacant seats.

## Functions and Powers

- **Legislative Functions:** The Rajya Sabha reviews, amends, and passes bills that are introduced in either house of Parliament. Although it can suggest amendments to money bills, it cannot reject them.
- **Representation of States:** The Rajya Sabha represents the states and Union Territories, ensuring their interests are considered in the legislative process.
- **Special Powers:** The Rajya Sabha has special powers in certain areas. For example, it can authorize Parliament to legislate on a subject in the State List under Article 249 if it is in the national interest. It can also approve the creation of new All-India Services under Article 312.
- **Checks and Balances:** As a revising chamber, the Rajya Sabha acts as a check on the Lok Sabha, ensuring that legislation is thoroughly considered.

## Legislative Process

### 1. Introduction of Bills:

- Bills can be introduced in either house of Parliament, except for money bills, which must be introduced in the Lok Sabha.
- Bills can be proposed by ministers (government bills) or by private members (private members' bills).

### 2. Passage of Bills:

- For a bill to become law, it must be passed by both houses of Parliament and receive the President's assent.
- If there is a disagreement between the two houses, the President can summon a joint session to resolve the deadlock, where members of both houses debate and vote on the bill.

### 3. Money Bills:

- Money bills deal exclusively with national taxation or public expenditure. They can only be introduced in the Lok Sabha.
- After passing the Lok Sabha, money bills are sent to the Rajya Sabha, which can recommend amendments within 14 days. The Lok Sabha can either accept or reject these recommendations.

## Special Provisions and Roles

### 1. **President's Role:**

- The President of India plays a crucial role in the legislative process, including summoning and proroguing Parliament sessions and giving assent to bills passed by both houses.
- The President's assent is required for a bill to become law. If the President returns a bill for reconsideration, and Parliament passes it again, the President must assent to it.

### 2. **Parliamentary Committees:**

- Parliament functions through a system of committees, which scrutinize bills, budgets, and policies in detail. Committees include Standing Committees, Select Committees, and Joint Committees.
- These committees ensure that legislative work is conducted efficiently and thoroughly.

### 3. **Parliamentary Privileges:**

- Members of Parliament enjoy certain privileges and immunities, such as freedom of speech within the house and protection from arrest in civil cases during sessions.

## **Role and Importance**

The Parliament of India plays a critical role in the democratic governance of the country. It is responsible for making laws, controlling the executive branch, representing the electorate, and ensuring accountability. Through its bicameral structure, it balances the direct representation of the people with the representation of states, fostering a comprehensive and inclusive legislative process.

India's Parliament is a bicameral legislature consisting of two houses: the Lok Sabha (House of the People) and the Rajya Sabha (Council of States). Here's an in-depth look at the composition and functions of both houses:

### **Lok Sabha (House of the People)**

## **Composition**

### **1. Members:**

- The Lok Sabha can have a maximum of 552 members.
- Up to 530 members represent the states.
- Up to 20 members represent Union Territories.
- The President can nominate 2 members from the Anglo-Indian community if he/she believes that the community is not adequately represented.

### **2. Elections:**

- Members are directly elected by the people of India using a first-past-the-post system from single-member constituencies.
- Elections are held every five years unless the house is dissolved earlier.

### **3. Term:**

- The term of the Lok Sabha is five years, but it can be dissolved sooner by the President on the advice of the Prime Minister.
- During a national emergency, the term can be extended by one year at a time.

## **Functions**

### **1. Legislative Functions:**

- The Lok Sabha is primarily responsible for the enactment of laws. Any bill, including money bills, can be introduced in the Lok Sabha.
- Money bills can only originate in the Lok Sabha and must be passed by it before being sent to the Rajya Sabha.

### **2. Financial Powers:**

- The Lok Sabha has the exclusive authority to introduce and pass money bills.
- The Union Budget is presented in the Lok Sabha, which discusses and approves it.

### **3. Executive Control:**

- The Council of Ministers, headed by the Prime Minister, is collectively responsible to the Lok Sabha. This means the government must have the confidence of the majority of the Lok Sabha members to remain in power.
- The Lok Sabha exercises control over the executive through various means such as question hour, zero hour, debates, and no-confidence motions.

### **4. Electoral Functions:**

- The Lok Sabha participates in the election of the President and Vice President of India.
- It also elects its own Speaker and Deputy Speaker from among its members.

#### **5. Representative Functions:**

- As the house of the people, the Lok Sabha represents the general populace of India. Members are elected to represent specific geographic constituencies.

### **Rajya Sabha (Council of States)**

#### **Composition**

##### **1. Members:**

- The Rajya Sabha has a maximum of 250 members.
- 238 members represent the states and Union Territories.
- 12 members are nominated by the President for their expertise in fields such as literature, science, art, and social services.

##### **2. Elections:**

- Members representing states are elected by the elected members of the State Legislative Assemblies using a single transferable vote system and proportional representation.
- Members representing Union Territories are elected by an electoral college for each territory.
- Nominated members are appointed by the President.

##### **3. Term:**

- The Rajya Sabha is a permanent body and is not subject to dissolution.
- One-third of its members retire every two years, and new members are elected to replace them.
- The term for each member is six years.

#### **Functions**

##### **1. Legislative Functions:**

- The Rajya Sabha shares legislative powers with the Lok Sabha. Bills, except money bills, can originate in either house and must be passed by both houses to become law.

- The Rajya Sabha can amend or reject bills, but its decisions on money bills are advisory in nature.
- 2. Financial Functions:**
- The Rajya Sabha can discuss and make recommendations on money bills, but it cannot amend or reject them.
  - It must return money bills to the Lok Sabha within 14 days with its recommendations.
- 3. Review and Revision:**
- The Rajya Sabha acts as a revising chamber, reviewing and suggesting amendments to legislation proposed by the Lok Sabha.
  - It provides a forum for discussing national issues and policies.
- 4. Federal Functions:**
- The Rajya Sabha represents the states and Union Territories of India. It serves to protect the interests of the states against potential domination by the central government.
  - It has the power to approve resolutions for the creation of new All-India Services and to legislate on state subjects under certain conditions.
- 5. Special Powers:**
- The Rajya Sabha has special powers to declare that it is necessary in the national interest for Parliament to legislate on a matter in the State List (Article 249).
  - It can authorize the central government to create new All-India Services common to both the Union and the states (Article 312).

### **Comparison of Powers**

- **Money Bills:** The Lok Sabha has greater authority over money bills, while the Rajya Sabha can only suggest amendments.
- **Legislative Authority:** Both houses must agree for a bill to become law, except in the case of money bills and certain financial bills.
- **Control over Executive:** The Lok Sabha has the power to remove the Council of Ministers through a vote of no-confidence, whereas the Rajya Sabha does not.

### **Conclusion**

The bicameral structure of the Indian Parliament ensures a balance between the representation of the population and the states. The Lok Sabha, with its directly elected members, reflects the democratic will of the people, while the Rajya Sabha ensures that the states and Union Territories have a voice in the legislative process. Together, they work to create, amend, and pass legislation, oversee the executive, and represent the diverse interests of the Indian polity.

The Speaker of the Lok Sabha is a pivotal figure in the Indian parliamentary system. The role, powers, and functions of the Speaker are critical for the smooth functioning of the Lok Sabha, ensuring that parliamentary procedures are followed and debates are conducted in an orderly manner. Here's a detailed overview:

## **Role, Powers, and Functions of the Speaker of the Lok Sabha**

### **Election of the Speaker**

- **Election:** The Speaker is elected by the members of the Lok Sabha from among themselves. The election is usually held on the third day of the new Lok Sabha session after general elections.

### **Role and Responsibilities**

#### **1. Presiding Over Sessions:**

- The Speaker presides over the sessions of the Lok Sabha, ensuring that business is conducted in an orderly manner.
- The Speaker decides the agenda for each session and maintains decorum and discipline during debates.

#### **2. Maintaining Order:**

- The Speaker has the authority to maintain order in the house, deciding who may speak and putting issues to a vote.
- The Speaker can take disciplinary actions against members for unruly behavior, including suspension.

#### **3. Casting Vote:**

- The Speaker does not vote in the first instance but can cast a deciding vote in the case of a tie, known as the casting vote.

#### **4. Certification of Money Bills:**

- The Speaker certifies whether a bill is a money bill, and the decision is final.
- This certification is significant as money bills have to be introduced only in the Lok Sabha and have special procedures for their passage.

#### **5. Interpreting Rules:**

- The Speaker interprets and applies the rules of procedure of the house, ensuring that the legislative process is followed correctly.
- The Speaker's rulings on procedural matters are final and cannot be challenged.

#### **6. Administrative Role:**

- The Speaker oversees the Lok Sabha Secretariat, ensuring that it functions efficiently.
- The Speaker is responsible for the administration of the house and its proceedings.

#### **7. Committee Appointments:**

- The Speaker plays a crucial role in appointing members to various parliamentary committees and can refer bills and issues to committees for detailed examination.
- The Speaker is the ex-officio chairman of several important committees, such as the Business Advisory Committee, Rules Committee, and General Purposes Committee.

#### **8. Representational Role:**

- The Speaker represents the Lok Sabha in all ceremonial and official functions in India and abroad.

### **Independence and Impartiality of the Speaker**

#### **Ensuring Impartiality**

##### **1. Non-partisanship:**

- Upon election, the Speaker is expected to renounce all political affiliations and act impartially, maintaining a non-partisan stance.
- The Speaker's impartiality is crucial for the fair conduct of business in the house.

##### **2. Protections and Immunities:**



- The Speaker is accorded certain privileges and immunities to function independently, free from undue influence or pressure.
- The Speaker's actions in the discharge of official duties cannot be questioned in any court of law.

### **3. Security of Tenure:**

- The Speaker can only be removed by a resolution passed by a majority of all the then members of the Lok Sabha. This requires at least 14 days' notice.
- This security of tenure allows the Speaker to operate without fear of arbitrary removal.

## **Measures to Enhance Independence**

### **1. Decorum and Respect:**

- The office of the Speaker is accorded high respect and decorum, both inside and outside Parliament.
- Members of the house generally respect the authority and rulings of the Speaker.

### **2. Consultative Role:**

- The Speaker often consults leaders of various parties and members to ensure that decisions reflect a broad consensus, further enhancing the perceived impartiality.

### **3. Ethical Standards:**

- The Speaker is expected to uphold the highest standards of integrity and ethical conduct, ensuring that personal biases do not affect official duties.

## **Conclusion**

The Speaker of the Lok Sabha plays a crucial role in the functioning of India's parliamentary democracy. With significant powers and responsibilities, the Speaker ensures the smooth conduct of the house, maintaining order and decorum, and facilitating legislative business. The independence and impartiality of the Speaker are safeguarded through constitutional provisions, procedural rules, and the high ethical standards expected of the office. This ensures that the Speaker can function effectively, upholding the principles of democracy and fair representation in the Lok Sabha.

The legislative procedure of the Indian Parliament involves a systematic process through which a bill is introduced, debated, and enacted into law. This process is designed to ensure thorough scrutiny and debate before any proposed legislation becomes law. Here is a detailed overview of the legislative procedure in the Parliament of India:

## **Types of Bills**

### **1. Ordinary Bills:**

- These bills can be introduced in either house of Parliament and deal with any matter except financial subjects.

### **2. Money Bills:**

- These bills deal with taxation, borrowing of money by the government, and other financial matters. Money bills can only be introduced in the Lok Sabha.

### **3. Finance Bills:**

- These include provisions related to revenue and expenditure but are broader than money bills and include financial matters that do not exclusively fall under the definition of money bills.

### **4. Constitutional Amendment Bills:**

- These bills seek to amend the Constitution and can be introduced in either house of Parliament. They require a special majority for passage.

### **5. Appropriation Bills:**

- These bills authorize the withdrawal of funds from the Consolidated Fund of India to meet government expenses.

## **Legislative Procedure for Ordinary Bills**

### **1. Introduction of the Bill**

#### **• First Reading:**

- A bill is introduced by a minister or a private member after giving prior notice. This stage is called the first reading.
- In this stage, the bill is introduced, and its objectives and reasons are explained briefly. No debate on the bill's principles occurs at this stage.

## **2. Second Reading**

- **General Discussion:**
  - During the second reading, the general principles and provisions of the bill are debated. Members express their views on the bill.
  - At the end of the general discussion, the bill may be referred to a Select Committee, a Joint Committee of both houses, or to the concerned Standing Committee for detailed examination.
- **Committee Stage:**
  - The committee examines the bill in detail, clause by clause. It can suggest amendments and improvements.
  - The committee's report, along with the bill, is submitted back to the house.
- **Consideration Stage:**
  - The bill, along with the committee's recommendations, is considered by the house. Each clause of the bill is discussed, and members can propose amendments.
  - The house votes on each clause and the proposed amendments.

## **3. Third Reading**

- **Final Passage:**
  - After the consideration stage, the bill is put to vote for its final approval.
  - During the third reading, the debate is restricted to arguments either in support of the bill or against it without further amendments.

## **4. Bill in the Other House**

- If the bill is passed by the first house, it is sent to the other house, where it undergoes the same procedure (first reading, second reading, and third reading).
- The other house can pass the bill as received, suggest amendments, or reject the bill.

## **5. Joint Sitting**

- In case of a deadlock between the two houses (if the bill is rejected by the other house, not passed within six months, or if the houses disagree on amendments), the President can summon a joint sitting of both houses to resolve the deadlock.

- The bill is passed or rejected by a majority of members present and voting in the joint sitting.

## **6. Presidential Assent**

- After being passed by both houses (or a joint sitting), the bill is presented to the President for assent.
- The President can give assent, withhold assent, or return the bill (if it is not a money bill) with a request for reconsideration.
- If the bill is passed again by both houses with or without amendments suggested by the President, the President must give assent.

## **Legislative Procedure for Money Bills**

### **1. Introduction:**

- Money bills can only be introduced in the Lok Sabha, and only by a minister on the recommendation of the President.

### **2. Lok Sabha:**

- The bill goes through the first reading, second reading, and third reading stages in the Lok Sabha. It must be passed by the Lok Sabha before being sent to the Rajya Sabha.

### **3. Rajya Sabha:**

- The Rajya Sabha cannot reject or amend a money bill. It can only make recommendations, which the Lok Sabha may accept or reject.
- The Rajya Sabha must return the money bill to the Lok Sabha within 14 days. If it fails to do so, the bill is considered passed by both houses.

### **4. Presidential Assent:**

- Once passed by the Lok Sabha and considered by the Rajya Sabha, the bill is sent to the President for assent.
- The President can either give assent or withhold assent but cannot return the bill for reconsideration.

## **Legislative Procedure for Constitutional Amendment Bills**

### **1. Introduction:**

- These bills can be introduced in either house of Parliament and do not require prior permission from the President.
2. **Procedure in Each House:**
    - The bill must be passed in each house by a special majority (a majority of the total membership of the house and a majority of not less than two-thirds of the members present and voting).
  3. **State Ratification:**
    - Certain amendments affecting the federal structure require ratification by at least half of the state legislatures.
  4. **Presidential Assent:**
    - After being passed by both houses and ratified by the required number of states (if applicable), the bill is sent to the President for assent.
    - The President must give assent, and the bill then becomes a Constitutional Amendment Act.

## **Conclusion**

The legislative procedure in the Indian Parliament ensures a comprehensive and structured approach to law-making. It provides for detailed scrutiny, debate, and consideration at multiple stages, involving both houses of Parliament and the President. This process is designed to uphold democratic principles, allowing for representation and input from various stakeholders before a bill becomes law.

The State Legislature in India is a vital component of the federal structure, responsible for making laws on subjects enumerated in the State List and Concurrent List of the Indian Constitution. The structure and functions of State Legislatures vary depending on whether the state has a unicameral or bicameral legislature. Here is an in-depth overview of the State Legislature in India:

## **Types of State Legislatures**

1. **Unicameral Legislature:**
  - In a unicameral legislature, there is only one house, called the **Legislative Assembly** (Vidhan Sabha).
2. **Bicameral Legislature:**

- In a bicameral legislature, there are two houses: the **Legislative Assembly** (Vidhan Sabha) and the **Legislative Council** (Vidhan Parishad).

## **Composition and Functions of Legislative Assembly (Vidhan Sabha)**

### **Composition**

#### **1. Members:**

- The Legislative Assembly consists of representatives directly elected by the people of the state from territorial constituencies.
- The number of members varies from state to state based on population, with a minimum of 60 and a maximum of 500 members.

#### **2. Term:**

- The term of the Legislative Assembly is five years unless dissolved earlier.
- In case of a national emergency, the term can be extended by one year at a time.

### **Functions**

#### **1. Legislative Functions:**

- The Legislative Assembly enacts laws on subjects in the State List and Concurrent List.
- Bills are introduced, debated, and passed in the Assembly. Money bills and financial bills must originate in the Assembly.

#### **2. Financial Powers:**

- The Assembly controls the finances of the state. The state budget is presented and passed in the Assembly.
- The Assembly has the exclusive power to approve money bills.

#### **3. Control Over Executive:**

- The Council of Ministers, headed by the Chief Minister, is collectively responsible to the Legislative Assembly.
- The Assembly exercises control over the executive through questions, debates, and motions, including the no-confidence motion.

#### **4. Electoral Functions:**

- The Legislative Assembly participates in the election of the President of India.

- Members of the Assembly also elect representatives to the Rajya Sabha (Upper House of Parliament).

#### **5. Constituent Functions:**

- The Assembly can pass resolutions for constitutional amendments.
- It plays a role in approving constitutional amendments that affect the federal structure, requiring ratification by state legislatures.

### **Composition and Functions of Legislative Council (Vidhan Parishad)**

#### **Composition**

##### **1. Members:**

- The Legislative Council is a permanent body and is not subject to dissolution. However, one-third of its members retire every two years.
- The total number of members in the Council should not exceed one-third of the total number of members in the Legislative Assembly, with a minimum of 40 members.

##### **2. Election and Nomination:**

- Members of the Legislative Council are elected through various methods:
  - One-third are elected by the members of the Legislative Assembly.
  - One-third are elected by electorates consisting of members of local authorities such as municipalities and district boards.
  - One-twelfth are elected by an electorate of teachers.
  - One-twelfth are elected by an electorate of graduates.
  - The remaining members are nominated by the Governor for their expertise in fields such as literature, science, art, cooperative movement, and social service.

#### **Functions**

##### **1. Legislative Functions:**

- The Council can discuss and suggest amendments to bills passed by the Assembly, except for money bills.
- It acts as a revising chamber, providing additional scrutiny to legislation.

##### **2. Financial Functions:**

- The Council can discuss money bills but cannot amend or reject them. It must return money bills to the Assembly within 14 days with its recommendations.

### **3. Advisory Role:**

- The Council advises and assists the Legislative Assembly in legislative matters, providing expertise and deliberation on complex issues.

### **4. Role in Legislation:**

- Bills can be introduced in the Council, but they need approval from the Assembly to become law.

## **Relationship Between the Two Houses (in Bicameral States)**

### **• Ordinary Bills:**

- Bills can originate in either house, but they must be approved by both houses to become law.
- If there is a disagreement between the two houses, the Legislative Assembly has the final say.

### **• Money Bills:**

- Money bills can only originate in the Legislative Assembly. The Council can make recommendations, but the Assembly is not bound to accept them.
- The Council must return a money bill to the Assembly within 14 days.

## **Role of the Governor**

- The Governor of the state plays a crucial role in the legislative process.
- The Governor summons and prorogues sessions of the State Legislature and can dissolve the Legislative Assembly.
- The Governor's assent is required for a bill passed by the State Legislature to become law. The Governor can give assent, withhold assent, or return the bill (if it is not a money bill) for reconsideration.
- In certain circumstances, the Governor can reserve a bill for the consideration of the President.

## **Conclusion**



The State Legislature in India, comprising the Legislative Assembly and, in some states, the Legislative Council, plays a fundamental role in the governance of the states. It enacts laws, controls finances, holds the executive accountable, and represents the people. The bicameral structure, where present, ensures a balance between direct representation and a revising chamber, providing thorough scrutiny and expertise in the legislative process. The Governor acts as a key constitutional authority, ensuring that the legislative process aligns with the broader framework of the Constitution.

The Vidhan Sabha, or Legislative Assembly, is the lower house of the state legislature in India and plays a crucial role in the governance of the state. Here's a detailed overview of the composition and functions of the Vidhan Sabha:

### **Composition of the Vidhan Sabha**

#### **1. Members:**

- The Vidhan Sabha consists of representatives directly elected by the people of the state from territorial constituencies.
- The number of members in a Vidhan Sabha varies from state to state, depending on the population of the state, with a minimum of 60 and a maximum of 500 members. However, some states like Sikkim, Arunachal Pradesh, and Goa have fewer than 60 members due to their small population.

#### **2. Reserved Seats:**

- Seats are reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) based on their population in the state.

#### **3. Term:**

- The term of the Vidhan Sabha is five years unless dissolved earlier.
- In case of a national emergency, the term can be extended by one year at a time, but not beyond six months after the emergency has ceased.

#### **4. Qualifications:**

- To be elected as a member of the Vidhan Sabha, a person must be a citizen of India, not less than 25 years of age, and must meet other qualifications prescribed by the Constitution and the Representation of the People Act, 1951.

### **Functions of the Vidhan Sabha**

## **Legislative Functions**

### **1. Law Making:**

- The primary function of the Vidhan Sabha is to enact laws on subjects enumerated in the State List and Concurrent List of the Seventh Schedule of the Indian Constitution.
- Bills can be introduced by ministers or private members and must go through several stages (first reading, second reading, committee stage, consideration, and third reading) before becoming law.

### **2. Money Bills:**

- Money bills, which deal with the imposition, abolition, remission, alteration, or regulation of taxes and other financial matters, can only originate in the Vidhan Sabha.
- The Vidhan Sabha has the exclusive power to approve money bills, and the Legislative Council (if present) can only make recommendations.

### **3. Budget Approval:**

- The Vidhan Sabha considers and approves the annual financial statement (budget) presented by the state government.
- It discusses and votes on demands for grants, and no money can be withdrawn from the state treasury without the approval of the Vidhan Sabha.

## **Control Over Executive**

### **1. Accountability:**

- The Council of Ministers, headed by the Chief Minister, is collectively responsible to the Vidhan Sabha.
- The Vidhan Sabha exercises control over the executive by asking questions, participating in debates, and passing motions such as no-confidence motions, adjournment motions, and censure motions.

### **2. Questions and Debates:**

- Members of the Vidhan Sabha have the right to ask questions to ministers, seeking information and accountability on various issues.
- Debates and discussions on policies and programs of the government provide a platform for members to express their views and influence decision-making.

## **Financial Functions**

### **1. Budget and Appropriation:**

- The Vidhan Sabha approves the state budget and grants funds for government expenditure.
- It ensures financial accountability by scrutinizing the allocation and expenditure of funds.

### **2. Public Accounts Committee:**

- The Vidhan Sabha appoints a Public Accounts Committee to examine the accounts of the state government and ensure that public funds are used efficiently and for the intended purposes.

## **Electoral Functions**

### **1. Election of Representatives:**

- Members of the Vidhan Sabha participate in the election of the President of India.
- They also elect representatives to the Rajya Sabha (the upper house of Parliament) from their state.

## **Constituent Functions**

### **1. Constitutional Amendments:**

- The Vidhan Sabha can pass resolutions for constitutional amendments.
- It also plays a role in ratifying constitutional amendments that affect the federal structure of the country, requiring approval from at least half of the state legislatures.

## **Other Functions**

### **1. Discussing Policies:**

- The Vidhan Sabha serves as a forum for discussing and influencing state policies and programs.
- Members can move resolutions and motions to express the opinion of the house on various matters.

### **2. Representation:**

- The Vidhan Sabha represents the people of the state and reflects their aspirations and grievances.
- Members of the Vidhan Sabha play a crucial role in addressing the concerns of their constituents and bringing local issues to the attention of the state government.

## **Conclusion**

The Vidhan Sabha is a fundamental institution in the state legislative framework of India, playing a key role in law-making, controlling the executive, approving finances, and representing the people. Its functions ensure that the government is accountable to the elected representatives and, by extension, to the people. Through its legislative, financial, and oversight roles, the Vidhan Sabha contributes to the effective governance and development of the state.

The Vidhan Parishad, or Legislative Council, is the upper house of the state legislature in certain Indian states with a bicameral legislative system. It plays a supplementary and revisory role to the lower house, the Vidhan Sabha. Here's a detailed overview of the composition and functions of the Vidhan Parishad:

## **Composition of the Vidhan Parishad**

### **1. Members:**

- The Vidhan Parishad is a permanent body and is not subject to dissolution. However, one-third of its members retire every two years, ensuring continuity.
- The total number of members in a Legislative Council should not exceed one-third of the total number of members in the Legislative Assembly of that state. However, the minimum number of members is fixed at 40.

### **2. Election and Nomination:**

- The members of the Vidhan Parishad are elected and nominated through various methods to represent different segments of society:
  - **One-third are elected by the members of the Legislative Assembly:** These members are elected by the MLAs from among themselves through proportional representation by means of a single transferable vote.

- **One-third are elected by electorates consisting of members of local authorities:** This includes municipalities, district boards, and other local bodies in the state.
- **One-twelfth are elected by an electorate of teachers:** These are teachers who have been teaching for at least three years in educational institutions within the state that are not lower than secondary schools.
- **One-twelfth are elected by an electorate of graduates:** Graduates of at least three years' standing who are residents of the state.
- **The remaining members are nominated by the Governor:** These members are chosen for their expertise and eminence in fields such as literature, science, art, cooperative movement, and social service.

### 3. Term:

- Members of the Vidhan Parishad serve for a term of six years, with one-third of the members retiring every two years.

## Functions of the Vidhan Parishad

### Legislative Functions

#### 1. Law Making:

- The Vidhan Parishad participates in the law-making process. Bills can be introduced in either the Vidhan Parishad or the Vidhan Sabha, except money bills.
- A bill must be passed by both houses before it can become law. The Vidhan Parishad can delay legislation, but it cannot indefinitely block the passage of a bill.

#### 2. Amendment and Revision:

- The Vidhan Parishad plays a revisory role, examining and suggesting amendments to bills passed by the Vidhan Sabha.
- It provides an additional layer of scrutiny and deliberation, ensuring thorough consideration of proposed laws.

#### 3. Financial Legislation:

- The Vidhan Parishad can discuss money bills, but it cannot amend or reject them.

- It must return a money bill to the Vidhan Sabha within 14 days with or without recommendations. The Vidhan Sabha may accept or reject any or all of the recommendations.

## **Control Over Executive**

### **1. Limited Executive Control:**

- Unlike the Vidhan Sabha, the Vidhan Parishad does not have a direct role in the formation or dissolution of the state government. However, it can hold discussions on the functioning of the government.
- The Vidhan Parishad can ask questions and seek information from ministers, providing a forum for accountability and transparency.

## **Electoral Functions**

### **1. Election of Representatives:**

- Members of the Vidhan Parishad participate in the election of the President of India, contributing to the federal character of the presidential electoral process.

## **Constituent Functions**

### **1. Constitutional Amendments:**

- The Vidhan Parishad can pass resolutions for constitutional amendments and plays a role in ratifying amendments that affect the federal structure of the country, which require approval from at least half of the state legislatures.

## **Other Functions**

### **1. Debating Public Issues:**

- The Vidhan Parishad serves as a forum for debating public issues and policies. Members can raise matters of public interest and discuss the policies and programs of the government.
- It provides a platform for the representation of various sections of society, including intellectuals, professionals, and experts.

### **2. Advisory Role:**

- The Vidhan Parishad advises the Vidhan Sabha on legislative matters, offering insights and recommendations based on the expertise of its members.

### **Role in the Legislative Process**

- **Ordinary Bills:**

- Bills can originate in either house, but if the Vidhan Parishad rejects a bill or proposes amendments that the Vidhan Sabha does not agree with, the Vidhan Sabha can reconsider the bill. If the Vidhan Sabha passes the bill again with or without amendments suggested by the Vidhan Parishad, it is deemed passed by both houses.

- **Money Bills:**

- Money bills can only originate in the Vidhan Sabha. After a money bill is passed by the Vidhan Sabha, it is sent to the Vidhan Parishad for recommendations. The Vidhan Parishad must return the bill with recommendations within 14 days, but the Vidhan Sabha is not obligated to accept those recommendations. If the Vidhan Parishad does not return the bill within 14 days, it is deemed passed by both houses.

### **Conclusion**

The Vidhan Parishad plays a complementary and revisory role in the legislative process of states with a bicameral legislature. It provides an additional layer of scrutiny, expertise, and representation, ensuring that legislation is thoroughly considered and debated. Although it has limited financial powers and does not directly control the executive, its advisory and revisory functions contribute significantly to the legislative process and the governance of the state.

### **Unit-3**

Executive 1. Union Executive 1.1. President-Power and Functions. 1.2. Prime Minister-Role and Functions. 1.3. Council of Ministers Composition, Role and Functions. 2. State Executive 15 20 2.1. Governor-Power and Functions. 2.2. Chief Minister-Power and Functions. 2.3. State Council of Ministers.

Union Executive 1.1. President-Power and Functions. 1.2. Prime Minister-Role and Functions. 1.3. Council of Ministers Composition, Role and Functions

#### **Union Executive**

The Union Executive of India is a key component of the government and includes the President, the Vice-President, the Prime Minister, and the Council of Ministers. It plays a crucial role in the administration and governance of the country.

##### **1.1. President - Power and Functions**

The President of India is the ceremonial head of state and the supreme commander of the armed forces. The President's powers and functions are extensive, covering executive, legislative, judicial, diplomatic, and military domains. The President's role is largely ceremonial, with actual executive powers being exercised by the Prime Minister and the Council of Ministers.

##### **Executive Powers:**

1. **Appointment Powers:** The President appoints the Prime Minister and, on the Prime Minister's advice, appoints other ministers. The President also appoints governors of states, judges of the Supreme Court and High Courts, the Attorney General, and other key officials.



2. **Administrative Powers:** The President ensures that laws passed by Parliament are implemented and can issue ordinances when Parliament is not in session.
3. **Military Powers:** The President is the supreme commander of the armed forces and appoints the chiefs of the Army, Navy, and Air Force.

#### **Legislative Powers:**

1. **Summoning and Proroguing Sessions:** The President summons and prorogues sessions of Parliament and can dissolve the Lok Sabha.
2. **Assent to Bills:** The President gives assent to bills passed by Parliament, making them laws. The President can also return a bill (except money bills) for reconsideration.
3. **Ordinance-making Power:** The President can promulgate ordinances when Parliament is not in session, which have the same effect as laws passed by Parliament.

#### **Judicial Powers:**

1. **Granting Pardons:** The President has the power to grant pardons, reprieves, respites, or remission of punishment, or to suspend, remit or commute the sentence of any person convicted of any offense.
2. **Appointing Judges:** The President appoints the Chief Justice and other judges of the Supreme Court and High Courts.

#### **Diplomatic Powers:**

1. **International Relations:** The President represents India in international forums, appoints ambassadors and other diplomatic representatives, and receives foreign diplomats.

#### **Emergency Powers:**

1. **Proclamation of Emergency:** The President can declare a national emergency (Article 352), a state emergency (President's Rule) (Article 356), or a financial emergency (Article 360) based on specific conditions.

## 1.2. Prime Minister - Role and Functions

The Prime Minister of India is the head of the government and plays a central role in the functioning of the Union Executive.

### Role and Functions:

1. **Leader of the Government:** The Prime Minister is the leader of the majority party in the Lok Sabha and the chief advisor to the President.
2. **Head of the Council of Ministers:** The Prime Minister heads the Council of Ministers and is responsible for the functioning of the government. The Prime Minister selects and can dismiss ministers.
3. **Policy Maker:** The Prime Minister sets government policies and priorities and oversees their implementation.
4. **Parliamentary Functions:** The Prime Minister represents the government in Parliament, defends its policies, and ensures the passage of legislation.
5. **International Relations:** The Prime Minister plays a significant role in shaping foreign policy and represents India in international forums.
6. **Crisis Manager:** The Prime Minister leads the country during crises, including national emergencies, economic issues, and security threats.

## 1.3. Council of Ministers - Composition, Role and Functions

The Council of Ministers, headed by the Prime Minister, is the executive authority responsible for administering the government. It consists of three categories of ministers: Cabinet Ministers, Ministers of State, and Deputy Ministers.

### Composition:

1. **Cabinet Ministers:** Senior ministers in charge of important ministries.
2. **Ministers of State:** May be given independent charge of ministries or assist Cabinet Ministers.
3. **Deputy Ministers:** Assist Cabinet and State Ministers.

### Role and Functions:

1. **Executive Authority:** The Council of Ministers executes and administers laws and policies. It takes all major administrative decisions.
2. **Policy Formulation:** The Council formulates government policies and ensures their implementation.
3. **Legislative Responsibilities:** The Council of Ministers is responsible for introducing and passing legislation in Parliament.
4. **Advisory Role:** The Council advises the President on various matters, including appointments and national policies.
5. **Budget and Finance:** The Council is responsible for preparing the Union Budget, allocating financial resources, and overseeing economic policies.
6. **Coordination:** Ensures coordination between various ministries and departments for effective governance.
7. **Crisis Management:** Plays a crucial role during national emergencies, economic crises, and other significant events.

## **Conclusion**

The Union Executive of India, comprising the President, Prime Minister, and the Council of Ministers, is fundamental to the functioning of the country's governance system. Each component has distinct roles and powers that together ensure the smooth administration, formulation of policies, and implementation of laws in India.

## **Prime Minister-Role and Functions.**

### **Prime Minister of India - Role and Functions**

The Prime Minister (PM) of India is the head of the government and the central figure in the executive branch. The Prime Minister's role is pivotal in shaping and implementing policies, steering the government, and representing India domestically and internationally. Here is an in-depth look at the roles and functions of the Prime Minister of India:

## **Roles of the Prime Minister**

1. **Chief Executive:** The Prime Minister is the de facto chief executive of the country, guiding the functions of the executive branch of the government.
2. **Leader of the Majority Party:** As the leader of the majority party in the Lok Sabha (House of the People), the Prime Minister ensures the stability and functioning of the government.
3. **Head of the Council of Ministers:** The Prime Minister heads the Council of Ministers, leading the Cabinet in decision-making and policy formulation.
4. **Chief Advisor to the President:** The Prime Minister acts as the chief advisor to the President of India, assisting in important appointments and decisions.
5. **Principal Spokesperson of the Government:** The Prime Minister is the primary representative and spokesperson of the government, both in Parliament and in public forums.

## **Functions of the Prime Minister**

1. **Formation of the Government:**
  - The Prime Minister is appointed by the President and is usually the leader of the party or coalition that commands a majority in the Lok Sabha.
  - The Prime Minister selects the Council of Ministers and allocates portfolios to them.
2. **Policy Formulation and Implementation:**
  - The Prime Minister sets the agenda for the government, outlines policy priorities, and ensures their implementation.
  - Coordinates the work of different ministries to ensure a cohesive policy direction.
3. **Legislative Functions:**
  - The Prime Minister plays a crucial role in the legislative process, ensuring that government bills and policies are presented, debated, and passed in Parliament.
  - Represents the government in Parliament, answering questions and defending government policies.
  - Can recommend the President to summon and prorogue sessions of Parliament and, if necessary, to dissolve the Lok Sabha.

#### **4. Executive Functions:**

- Oversees the execution of laws and policies.
- The Prime Minister can issue executive orders to ensure the smooth administration of government affairs.
- Supervises the functioning of the various ministries and departments.

#### **5. Foreign Policy and International Relations:**

- Represents India on the global stage, engaging with foreign leaders and participating in international forums and organizations.
- Plays a key role in shaping and directing India's foreign policy.

#### **6. Crisis Management:**

- Leads the government's response during national crises, such as natural disasters, security threats, and economic challenges.
- Coordinates with various ministries and state governments to manage crises effectively.

#### **7. Appointment Functions:**

- Advises the President on the appointment of key officials, such as the Chief Justice and judges of the Supreme Court and High Courts, the Comptroller and Auditor General, the Chief Election Commissioner, and the Governors of states.
- Recommends the appointment of the heads of statutory bodies, public sector enterprises, and other key positions.

#### **8. Cabinet Meetings and Decision-Making:**

- The Prime Minister presides over meetings of the Cabinet, setting the agenda and guiding discussions.
- Ensures that decisions taken by the Cabinet are implemented effectively.

#### **9. Party Leadership:**

- As the leader of the ruling party or coalition, the Prime Minister ensures party cohesion and discipline.
- Plays a vital role in election campaigns, rallying support for the party's candidates and policies.

#### **10. Public Communication:**

- The Prime Minister addresses the nation on important issues, communicates government policies, and seeks to build public support for governmental initiatives.

- Uses various platforms, including media and public meetings, to engage with the citizens and address their concerns.

## **Conclusion**

The Prime Minister of India holds a position of immense responsibility and influence, acting as the chief architect of government policy and administration. Through a blend of executive, legislative, and diplomatic functions, the Prime Minister ensures the effective governance of the country, upholds democratic principles, and represents India's interests on the global stage. The role demands strong leadership, strategic vision, and a commitment to the nation's development and welfare.

## **Council of Ministers - Composition, Role, and Functions**

The Council of Ministers in India, headed by the Prime Minister, is an essential executive body responsible for the administration and governance of the country. It collectively decides policies and administers government functions. Here is a detailed overview of its composition, role, and functions:

### **Composition of the Council of Ministers**

The Council of Ministers is classified into three distinct categories:

#### **1. Cabinet Ministers:**

- These are senior ministers in charge of important ministries, such as Finance, Defense, Home Affairs, and External Affairs.
- They form the core group of the Council and attend the regular Cabinet meetings.
- Their decisions and policies significantly influence national governance.

#### **2. Ministers of State:**

- They may hold independent charge of smaller ministries or assist Cabinet Ministers in their duties.

- Ministers of State with independent charge manage specific ministries on their own without direct supervision from a Cabinet Minister.
- Ministers of State without independent charge work under the guidance of a Cabinet Minister.

### **3. Deputy Ministers:**

- They assist both Cabinet Ministers and Ministers of State in their respective portfolios.
- Deputy Ministers do not hold independent charge of ministries.

## **Role of the Council of Ministers**

### **1. Executive Authority:**

- The Council of Ministers exercises the executive authority of the government.
- It is responsible for implementing laws and policies formulated by the Parliament.

### **2. Policy Formulation:**

- The Council collectively decides on the policies and plans for national development.
- It ensures that these policies are in line with the government's objectives and public welfare.

### **3. Administration:**

- Each minister oversees the functioning of their respective ministries and departments, ensuring efficient administration and implementation of policies.
- Ministers provide guidance and direction to bureaucrats and ensure the smooth running of their ministries.

### **4. Legislative Functions:**

- The Council of Ministers plays a crucial role in the legislative process by introducing bills and policies in Parliament.
- They are responsible for defending and explaining government policies and decisions in both houses of Parliament.
- Ministers are accountable to Parliament and must answer questions related to their ministries.

### **5. Advisory Role:**

- The Council of Ministers advises the President on various matters, including appointments, national policies, and administration.
- The Prime Minister, on behalf of the Council, communicates decisions and policies to the President.

## **Functions of the Council of Ministers**

### **1. Formulation and Implementation of Policies:**

- The primary function of the Council is to formulate policies and ensure their effective implementation.
- Ministers draft policies, pass necessary legislation, and oversee the execution of these policies.

### **2. Budget Preparation and Financial Management:**

- The Council prepares the Union Budget, outlining government revenues and expenditures.
- It is responsible for financial management, allocation of resources, and ensuring fiscal discipline.

### **3. Decision Making:**

- The Council makes key decisions regarding national security, foreign affairs, economic policies, and social welfare programs.
- Decisions are typically made in Cabinet meetings, where major policies are discussed and approved.

### **4. Crisis Management:**

- The Council of Ministers is pivotal during national crises, such as natural disasters, economic downturns, or security threats.
- It coordinates the government's response and ensures effective management of the crisis.

### **5. Inter-Ministerial Coordination:**

- The Council ensures coordination among different ministries for cohesive and unified policy implementation.
- It resolves inter-ministerial disputes and promotes collaboration.

### **6. Administrative Oversight:**

- Ministers supervise the administration of their ministries, ensuring compliance with government policies.



- They monitor the performance of various departments and take corrective measures when necessary.

#### **7. Public Communication and Representation:**

- Ministers represent the government in public forums, media, and during international visits.
- They communicate government policies, address public grievances, and seek to build public support.

### **Conclusion**

The Council of Ministers, led by the Prime Minister, is a vital component of the Indian government, responsible for policy formulation, administration, and legislative functions. Its composition of Cabinet Ministers, Ministers of State, and Deputy Ministers ensures that a broad range of issues are addressed efficiently and effectively. Through its collective decision-making and diverse roles, the Council of Ministers plays a central role in the governance and development of India, maintaining accountability to the Parliament and the public.

### **State Executive**

The State Executive in India is responsible for administering the affairs of the state and ensuring the implementation of laws and policies. It includes the Governor, the Chief Minister, and the State Council of Ministers.

#### **1. Governor - Power and Functions**

The Governor is the constitutional head of the state, analogous to the President at the Union level. Appointed by the President of India, the Governor's powers and functions can be categorized as executive, legislative, judicial, and discretionary.

#### **Executive Powers:**

##### **1. Appointment Powers:**

- Appoints the Chief Minister and, on the Chief Minister's advice, other ministers.

- Appoints the Advocate General, the State Election Commissioner, and other key officials.
- Can appoint judges to the lower judiciary (on the recommendation of the High Court).

## **2. Administrative Powers:**

- Ensures that the state government functions according to the provisions of the Constitution.
- Can seek information from the Chief Minister regarding administrative and legislative matters.

## **3. Military Powers:**

- Acts as the chancellor of universities in the state and appoints vice-chancellors.
- The Governor has some ceremonial military powers within the state, though the armed forces are under the President's supreme command.

## **Legislative Powers:**

### **1. Summoning and Proroguing:**

- Summons, prorogues, and dissolves the State Legislative Assembly.
- Can address the opening session of the state legislature and outline the government's policies and programs.

### **2. Assent to Bills:**

- Gives assent to bills passed by the state legislature, making them laws.
- Can withhold assent or reserve a bill for the President's consideration.

### **3. Ordinance-making Power:**

- Can promulgate ordinances when the state legislature is not in session, which have the same effect as laws passed by the legislature.

## **Judicial Powers:**

### **1. Granting Pardons:**

- The Governor can grant pardons, reprieves, respites, or remissions of punishment or suspend, remit, or commute sentences in certain cases.

## **Discretionary Powers:**

**1. Appointment of Chief Minister:**

- In case of no clear majority, the Governor has the discretion to appoint the Chief Minister.

**2. Sending Reports to the President:**

- Can send a report to the President recommending President's Rule in the state under Article 356.

**2. Chief Minister - Power and Functions**

The Chief Minister (CM) is the head of the state government, akin to the Prime Minister at the national level. The CM is the leader of the majority party in the state legislature and is appointed by the Governor.

**Role and Functions:**

**1. Leader of the Government:**

- The Chief Minister is the chief executive of the state and the leader of the ruling party or coalition in the state legislature.

**2. Head of the Council of Ministers:**

- The Chief Minister heads the Council of Ministers and allocates portfolios among them.
- Presides over meetings of the Council of Ministers and guides its deliberations.

**3. Policy Maker:**

- Formulates policies and programs for the state and ensures their implementation.
- Provides leadership in planning and development activities.

**4. Legislative Functions:**

- Represents the government in the state legislature and plays a key role in legislative processes.
- Ensures the passage of bills and policies and answers questions from members of the legislature.
- Advises the Governor on summoning and proroguing sessions of the state legislature.

**5. Administrative Functions:**

- Supervises the implementation of policies by various departments and ensures efficient administration.
- Coordinates with bureaucrats and provides direction for administrative functions.

#### **6. Crisis Management:**

- Leads the state government's response during crises such as natural disasters, internal disturbances, or economic challenges.
- Coordinates with central government agencies and other states during emergencies.

#### **7. Intergovernmental Relations:**

- Maintains communication with the central government and other state governments.
- Participates in meetings and forums of national importance, such as the National Development Council and Inter-State Council.

#### **8. Public Communication:**

- Addresses the public on important issues, communicates government policies, and seeks public support.
- Uses media and public platforms to engage with citizens and address their concerns.

### **3. State Council of Ministers - Composition, Role, and Functions**

The State Council of Ministers, headed by the Chief Minister, is responsible for the administration and governance of the state. It includes Cabinet Ministers, Ministers of State, and Deputy Ministers.

#### **Composition:**

##### **1. Cabinet Ministers:**

- Senior ministers in charge of important departments such as Home, Finance, Education, and Health.
- Form the core group of the Council and participate in crucial decision-making.

##### **2. Ministers of State:**

- May hold independent charge of departments or assist Cabinet Ministers in their duties.

- Ministers of State with independent charge manage specific departments autonomously.

### **3. Deputy Ministers:**

- Assist Cabinet Ministers and Ministers of State in their respective departments.
- Do not hold independent charge of any department.

## **Role and Functions:**

### **1. Executive Authority:**

- The Council of Ministers exercises the executive authority of the state government.
- Responsible for implementing laws and policies formulated by the state legislature.

### **2. Policy Formulation:**

- The Council collectively decides on state policies and plans for development.
- Ensures that policies align with the government's objectives and public welfare.

### **3. Administration:**

- Each minister oversees the functioning of their respective departments, ensuring efficient administration and policy implementation.
- Provides direction to bureaucrats and ensures the smooth running of departments.

### **4. Legislative Responsibilities:**

- Introduces bills and policies in the state legislature and defends them during discussions.
- Responsible for ensuring the passage of government legislation and policies.

### **5. Advisory Role:**

- Advises the Governor on various matters, including appointments, policies, and administration.
- Communicates decisions and policies to the Governor through the Chief Minister.

### **6. Financial Management:**

- Prepares the state budget, outlining revenues and expenditures.

- Responsible for financial management, resource allocation, and fiscal discipline.

#### **7. Inter-departmental Coordination:**

- Ensures coordination among different departments for cohesive policy implementation.
- Resolves inter-departmental issues and promotes collaboration.

#### **8. Crisis Management:**

- Plays a crucial role during state crises, coordinating the government's response and ensuring effective management.
- Works with central agencies and other states as needed.

### **Conclusion**

The State Executive, comprising the Governor, the Chief Minister, and the State Council of Ministers, plays a vital role in the administration and governance of Indian states. While the Governor acts as the constitutional head with specific discretionary powers, the Chief Minister, supported by the Council of Ministers, is the primary executive authority, responsible for policy formulation, legislative functions, and efficient administration. Together, they ensure the smooth functioning of the state government and the implementation of policies aimed at the state's development and welfare.

### **Unit 4-**

Judiciary and Other Constitutional Bodies 1. Supreme Court-Composition and Jurisdiction  
 2. High Court Composition and Jurisdiction. 3. Constitutional Bodies 3.1. Election Commission. 3.2. Union Public Service Commission. 3.3. National Commission for SC's.  
 3.4. National Commission for ST's. 3.5. State Public Service Commission

### **Judiciary and Other Constitutional Bodies**

## **Judiciary and Other Constitutional Bodies in India**

India's Constitution provides for an independent and integrated judicial system and several constitutional bodies to ensure the smooth functioning of democracy. Here is an overview of the judiciary and some key constitutional bodies.

### **Judiciary**

The judiciary in India is a crucial pillar of democracy, tasked with interpreting and upholding the Constitution and laws. It ensures justice, checks executive and legislative actions, and protects fundamental rights.

#### **1. Structure of the Judiciary:**

##### **a. Supreme Court:**

- The Supreme Court is the highest court in India, established under Article 124 of the Constitution.
- It consists of the Chief Justice of India and up to 34 other judges.
- The Supreme Court has original, appellate, and advisory jurisdiction.

##### **b. High Courts:**

- Each state (or group of states) has a High Court as the highest judicial authority at the state level.
- High Courts have jurisdiction over civil, criminal, and constitutional matters.
- They can hear appeals from lower courts and have the power to issue writs.

##### **c. Subordinate Courts:**

- Below the High Courts are various subordinate courts, including District Courts, Sessions Courts, and other specialized courts like Family Courts, Consumer Courts, and Labour Courts.

#### **2. Powers and Functions of the Judiciary:**

##### **a. Judicial Review:**

- The power to review laws and executive actions to ensure they do not violate the Constitution.

**b. Protection of Fundamental Rights:**

- Ensures the protection and enforcement of fundamental rights through writs like habeas corpus, mandamus, prohibition, certiorari, and quo warranto.

**c. Interpretation of the Constitution:**

- The judiciary interprets the Constitution and settles disputes regarding its provisions.

**d. Dispute Resolution:**

- Resolves disputes between the central and state governments, between states, and other legal matters.

**e. Advisory Jurisdiction:**

- The President can seek the Supreme Court's opinion on significant legal questions.

**f. Public Interest Litigation (PIL):**

- Allows any individual or organization to approach the court for the protection of public interest on various issues.

**Other Constitutional Bodies**

**1. Election Commission of India (ECI):**

- **Article:** 324
- **Composition:** Chief Election Commissioner and other Election Commissioners.
- **Functions:** Conducts free and fair elections to the Parliament, State Legislatures, and the offices of President and Vice-President. It monitors election processes, enforces the Model Code of Conduct, and handles electoral roll maintenance and voter registration.

**2. Comptroller and Auditor General of India (CAG):**



- **Article:** 148
- **Functions:** Audits all receipts and expenditures of the government, ensuring transparency and accountability. It audits accounts of all government departments, public sector enterprises, and autonomous bodies funded by the government.

### 3. Union Public Service Commission (UPSC):

- **Article:** 315-323
- **Functions:** Conducts examinations for recruitment to various All India Services and central services. Advises the government on matters related to personnel management, promotions, and transfers.

### 4. State Public Service Commissions (SPSC):

- **Article:** 315-323
- **Functions:** Conducts examinations and recruitment for state services. Advises state governments on personnel management.

### 5. Finance Commission:

- **Article:** 280
- **Composition:** Chairman and four other members appointed by the President.
- **Functions:** Recommends the distribution of tax revenues between the central and state governments. Suggests measures to improve the financial health of states and local bodies.

### 6. National Commission for Scheduled Castes (NCSC):

- **Article:** 338
- **Functions:** Investigates and monitors issues related to Scheduled Castes. Advises on measures to improve their socio-economic status and safeguards their rights.

### 7. National Commission for Scheduled Tribes (NCST):

- **Article:** 338A
- **Functions:** Similar to the NCSC, it addresses issues concerning Scheduled Tribes, ensuring their rights and development.

## **8. National Commission for Backward Classes (NCBC):**

- **Article:** 338B
- **Functions:** Examines and advises on policies and measures for the welfare and development of Backward Classes. Investigates specific complaints regarding their rights and safeguards.

## **9. Attorney General of India:**

- **Article:** 76
- **Functions:** The chief legal advisor to the government. Represents the government in legal matters before the Supreme Court and other courts.

## **10. Advocate General of the State:**

- **Article:** 165
- **Functions:** The chief legal advisor to the state government. Represents the state in legal matters before the High Court and other courts within the state.

## **Conclusion**

India's judiciary and constitutional bodies play a critical role in ensuring the smooth functioning of democracy by upholding the rule of law, protecting rights, conducting fair elections, ensuring financial accountability, and safeguarding the interests of marginalized communities. These institutions work independently yet cohesively to maintain the democratic fabric and integrity of the country.

## **Supreme Court of India - Composition and Jurisdiction**

The Supreme Court of India is the apex judicial body in the country, responsible for interpreting the Constitution and ensuring the rule of law. Here's an overview of its composition and jurisdiction:

### **Composition of the Supreme Court**

1. **Chief Justice of India (CJI):**
  - The Chief Justice is the head of the Supreme Court.

- Responsible for assigning cases and forming benches to hear them.
- Represents the judiciary in various official capacities.

## **2. Judges:**

- The Supreme Court can have a maximum of 34 judges, including the Chief Justice.
- Judges are appointed by the President of India based on recommendations from the collegium system.

## **Jurisdiction of the Supreme Court**

### **1. Original Jurisdiction:**

- The Supreme Court has original jurisdiction in cases involving disputes between:
  - The Government of India and one or more states.
  - The Government of India and one or more states on one side and one or more states on the other.
  - Between two or more states.
- Original jurisdiction also extends to matters of federal significance and disputes between private individuals and the government.

### **2. Appellate Jurisdiction:**

- The Supreme Court is the highest court of appeal in India.
- It hears appeals from judgments of the High Courts and other lower courts in civil, criminal, and constitutional matters.
- Appeals can be made to the Supreme Court against decisions of the High Courts and certain specialized tribunals.

### **3. Advisory Jurisdiction:**

- The President of India can seek the Supreme Court's opinion on any question of law or fact that is of public importance.
- However, such advice is not binding on the President.

### **4. Writ Jurisdiction:**

- The Supreme Court has the power to issue writs, including habeas corpus, mandamus, prohibition, certiorari, and quo warranto, for the enforcement of fundamental rights.
- It acts as the guardian of fundamental rights enshrined in the Constitution.

#### **5. Special Leave Petition (SLP):**

- Individuals or entities dissatisfied with the judgments of lower courts can file a Special Leave Petition (SLP) in the Supreme Court.
- The Supreme Court has discretion in granting or rejecting SLPs.

#### **6. Public Interest Litigation (PIL):**

- The Supreme Court has expanded its jurisdiction to entertain PILs filed by any individual or organization for the protection of public interest.
- PILs have been instrumental in addressing various socio-economic and environmental issues.

### **Other Functions**

#### **1. Constitutional Interpretation:**

- The Supreme Court interprets the Constitution and determines the constitutional validity of laws and governmental actions.

#### **2. Guardian of Fundamental Rights:**

- Ensures the protection and enforcement of fundamental rights guaranteed by the Constitution.

#### **3. Guardian of Federal Structure:**

- Balances the powers between the central government and state governments to maintain the federal structure of the country.

#### **4. Judicial Review:**

- The Supreme Court exercises judicial review to ensure that laws and executive actions are consistent with the Constitution.

#### **5. Settling Disputes:**

- Resolves disputes between states and between the central government and states.
- Adjudicates on matters of public importance and constitutional significance.

### **Conclusion**

The Supreme Court of India, with its composition of judges led by the Chief Justice, serves as the ultimate arbiter of justice in the country. Its wide-ranging jurisdiction, including original, appellate, and advisory functions, empowers it to safeguard the Constitution, protect fundamental rights, and uphold the rule of law. Through its decisions and interpretations, the

Supreme Court plays a pivotal role in shaping the legal landscape of India and ensuring the functioning of a democratic society.

## **2. High Court Composition and Jurisdiction.**

### **High Court Composition and Jurisdiction**

High Courts are the highest judicial authorities at the state level in India. They serve as the principal courts of original and appellate jurisdiction within their respective states or union territories. Here's an overview of the composition and jurisdiction of High Courts in India:

#### **Composition of High Courts**

##### **1. Chief Justice:**

- Each High Court is headed by a Chief Justice, who is appointed by the President of India.
- The Chief Justice is responsible for the administration and functioning of the High Court.

##### **2. Judges:**

- The total number of judges in a High Court is determined by the President, based on the recommendations of the Chief Justice of India and the collegium system.
- Judges are appointed by the President after consultation with the Chief Justice of India and the Governor of the state.

#### **Jurisdiction of High Courts**

##### **1. Original Jurisdiction:**

- High Courts have original jurisdiction to hear and decide certain types of cases directly, without them being heard in lower courts first.
- This includes cases related to the enforcement of fundamental rights, disputes between the state government and individuals or organizations, and matters of public interest.

##### **2. Appellate Jurisdiction:**

- High Courts serve as the highest appellate courts within their respective states or union territories.

- They hear appeals against judgments and orders of subordinate courts, tribunals, and other quasi-judicial bodies operating within their territorial jurisdiction.
- 3. Writ Jurisdiction:**
- High Courts have the power to issue writs, including habeas corpus, mandamus, prohibition, certiorari, and quo warranto, for the enforcement of fundamental rights and the protection of public interest.
  - Writs issued by High Courts are effective within their territorial jurisdiction.
- 4. Supervisory Jurisdiction:**
- High Courts exercise supervisory jurisdiction over subordinate courts and tribunals within their territorial limits.
  - They can review decisions and orders passed by lower courts to ensure that they comply with legal principles and procedural norms.
- 5. Civil and Criminal Jurisdiction:**
- High Courts have jurisdiction over civil and criminal cases within their territorial jurisdiction.
  - They hear and decide matters related to civil disputes, criminal offenses, family matters, property disputes, and other legal disputes.
- 6. Constitutional Interpretation:**
- High Courts interpret the Constitution and adjudicate on matters involving constitutional rights, powers, and obligations.
- 7. Public Interest Litigation (PIL):**
- High Courts entertain PILs filed by individuals or organizations for the protection of public interest.
  - PILs have been instrumental in addressing various social, environmental, and governance issues.

### **Specialized Jurisdictions**

Some High Courts have specialized benches or divisions to deal with specific types of cases, such as:

- **Commercial Courts:** Handle commercial disputes and cases related to corporate law.
- **Family Courts:** Adjudicate on matters related to marriage, divorce, child custody, and family disputes.

- **Labour Courts and Industrial Tribunals:** Resolve disputes between employers and employees, and address matters related to labor laws and industrial disputes.

## **Conclusion**

High Courts play a pivotal role in the administration of justice and the protection of rights at the state level in India. With their broad jurisdiction, they ensure access to justice, uphold the rule of law, and safeguard fundamental rights. Composed of Chief Justices and judges appointed on merit, High Courts serve as bastions of justice and guardians of the Constitution within their respective territorial jurisdictions.

## **Constitutional Bodies**

**3.1. Election Commission. 3.2. Union Public Service Commission. 3.3. National Commission For Sc's. 3.4. National Commission For St's. 3.5. State Public Service Commission**

## **Constitutional Bodies in India**

Constitutional bodies are institutions established under the provisions of the Constitution of India to perform specific functions that are essential for the functioning of a democratic system. Here's an overview of some key constitutional bodies in India.

## **1. Election Commission of India (ECI)**

### **Composition:**

- The Election Commission is composed of a Chief Election Commissioner (CEC) and other Election Commissioners, if any.
- The CEC is appointed by the President of India.

### **Functions:**

- Conducts free and fair elections to the Parliament, State Legislatures, and the offices of the President and Vice-President.
- Monitors election processes and ensures adherence to the Model Code of Conduct.
- Handles electoral roll maintenance, voter registration, and delimitation of constituencies.
- Conducts inquiries and adjudicates disputes related to elections.

## **2. Union Public Service Commission (UPSC)**

### **Composition:**

- The UPSC consists of a Chairman and other members appointed by the President of India.
- Members of the UPSC are selected based on their qualifications and experience.

### **Functions:**

- Conducts examinations for recruitment to various All India Services and central services, including the Indian Administrative Service (IAS), Indian Police Service (IPS), and Indian Foreign Service (IFS).
- Advises the government on matters related to personnel management, promotions, and transfers.



- Assists in framing and implementing recruitment rules, regulations, and service conditions.

### **3. National Commission for Scheduled Castes (NCSC)**

#### **Composition:**

- The NCSC is composed of a Chairperson, Vice-Chairperson, and three other members.
- Members are appointed by the President of India.

#### **Functions:**

- Investigates and monitors matters related to the safeguards provided for Scheduled Castes (SCs) under the Constitution.
- Inquires into specific complaints regarding the deprivation of rights and safeguards of SCs.
- Advises the government on measures for the welfare and development of SCs.

### **4. National Commission for Scheduled Tribes (NCST)**

#### **Composition:**

- The NCST consists of a Chairperson, Vice-Chairperson, and three other members.
- Members are appointed by the President of India.

#### **Functions:**

- Examines and monitors the implementation of constitutional safeguards for Scheduled Tribes (STs).
- Investigates specific complaints regarding the deprivation of rights and safeguards of STs.
- Advises the government on measures for the welfare and development of STs.

### **5. State Public Service Commission (SPSC)**

#### **Composition:**

- Each State Public Service Commission is headed by a Chairman and includes other members appointed by the Governor of the state.

### **Functions:**

- Conducts examinations for recruitment to state civil services and other state government posts.
- Advises the state government on matters related to personnel management, promotions, and transfers.
- Assists in framing and implementing recruitment rules, regulations, and service conditions for state government employees.

### **Conclusion**

Constitutional bodies in India play a crucial role in upholding democratic principles, protecting the rights of marginalized communities, and ensuring the effective functioning of government institutions. Through their independent and impartial functioning, these bodies contribute to the transparency, accountability, and fairness of governance in the country.

## **Unit 5-**

**Division of Powers 1. Centre state Relations 1.1. Legislative Relations. 1.2. Administrative Relations. 1.3. Financial Relations. 2. Local Self Government-73rd and 74th Amendment.**

### **Division of Powers 1. Centre state Relations**

The division of powers and centre-state relations in India are governed by the provisions laid out in the Constitution of India. These provisions delineate the powers and responsibilities of the central government (Union) and state governments, ensuring a balanced distribution of

authority while maintaining the unity and integrity of the nation. Here's an overview of the division of powers and centre-state relations:

## **Division of Powers:**

### **1. Union List:**

- The Union List consists of subjects on which only the central government has the authority to legislate.
- Examples include defence, foreign affairs, atomic energy, railways, currency, and banking.

### **2. State List:**

- The State List comprises subjects on which only the state governments have the power to make laws.
- Examples include police, public health and sanitation, agriculture, state taxes, local government, and public order.

### **3. Concurrent List:**

- The Concurrent List includes subjects on which both the central and state governments can legislate.
- Examples include criminal law, marriage and divorce, bankruptcy and insolvency, adoption, and succession.

### **4. Residuary Powers:**

- Any matter not explicitly mentioned in the Union List, State List, or Concurrent List falls under the residuary powers of the Union government.
- This allows the central government to legislate on issues not covered by the existing lists.

## **Centre-State Relations:**

### **1. Legislative Relations:**

- The Constitution provides for a clear demarcation of legislative powers between the Union and the states.
- The central government can legislate on matters specified in the Union List, while the state governments have jurisdiction over subjects listed in the State List.

### **2. Administrative Relations:**

- The central government exercises administrative control over certain areas, particularly those related to national security, interstate trade, and foreign affairs.
- However, state governments have considerable autonomy in administering subjects falling within their jurisdiction.

### **3. Financial Relations:**

- The central government plays a significant role in allocating financial resources to the states through mechanisms like grants-in-aid, tax revenue sharing, and centrally sponsored schemes.
- However, states also generate revenue through their own taxation powers and have the authority to manage their finances independently.

### **4. Role of Governor:**

- Each state has a Governor appointed by the President, who serves as the constitutional head of the state.
- The Governor acts as the representative of the Union government in the state and performs various functions, including the approval of state legislation, summoning and proroguing the state legislature, and giving assent to bills passed by the state legislature.

### **5. Interstate Relations:**

- The Constitution provides for the resolution of disputes between states through mechanisms like interstate councils, which facilitate cooperation and coordination among states on matters of mutual interest.

- The central government plays a role in mediating disputes between states and ensuring the peaceful resolution of conflicts.

### **Conclusion:**

The division of powers and centre-state relations in India is a foundational aspect of the country's federal structure. It ensures a balance of authority between the central government and state governments, allowing for effective governance while respecting regional autonomy and diversity. By delineating clear areas of jurisdiction and providing mechanisms for cooperation and coordination, India's constitutional framework promotes unity, integrity, and cooperative federalism.

### **Legislative Relations.**

Legislative relations in India refer to the distribution of legislative powers between the central (Union) government and the state governments as outlined in the Constitution of India. These relations are crucial for the functioning of India's federal system of governance. Here's an overview of legislative relations:

#### **Legislative Powers of the Union Government:**

##### **1. Union List:**

- The Union List contains subjects on which only the central government can legislate.
- Examples include defence, foreign affairs, atomic energy, railways, currency, banking, and international treaties.

##### **2. Residuary Powers:**

- Any matter not explicitly mentioned in the Union List, State List, or Concurrent List falls under the residuary powers of the Union government.
- This grants the central government the authority to legislate on issues not covered by the existing lists.

## **Legislative Powers of State Governments:**

### **1. State List:**

- The State List comprises subjects on which only the state governments have the authority to legislate.
- Examples include police, public health and sanitation, agriculture, state taxes, local government, and public order.

### **2. Concurrent List:**

- The Concurrent List includes subjects on which both the central and state governments can legislate concurrently.
- Examples include criminal law, marriage and divorce, bankruptcy and insolvency, adoption, and succession.
- In case of a conflict between central and state laws on concurrent subjects, the law enacted by the central government prevails.

## **Legislative Relations:**

### **1. Exclusive Legislative Powers:**

- Each level of government has exclusive authority to legislate on matters within its jurisdiction as delineated by the Union List and State List.
- The central government cannot encroach upon the legislative domain of the states, and vice versa.

### **2. Concurrent Legislative Powers:**

- Both the central and state governments can legislate on matters specified in the Concurrent List.
- However, in case of a conflict between central and state laws on concurrent subjects, the law enacted by the central government prevails.

### **3. Residuary Powers:**

- While the Union government has the authority to legislate on matters not covered by the Union List, State List, or Concurrent List, state governments do not possess residuary powers.

### **4. Supremacy of the Constitution:**

- Both the central and state legislatures are bound by the provisions of the Constitution of India.

- Any law enacted by either level of government that violates the Constitution can be struck down by the judiciary.

### **Conclusion:**

Legislative relations in India are governed by the principles of federalism as enshrined in the Constitution. The distribution of legislative powers between the Union government and the state governments ensures a division of authority that respects regional autonomy while maintaining national unity. This arrangement facilitates effective governance and allows for the fulfilment of diverse needs and aspirations across different regions of the country.

### **Administrative Relations**

Administrative relations between the central (Union) government and state governments in India play a crucial role in the effective functioning of the country's federal system. These relations involve the distribution of administrative functions, responsibilities, and cooperation mechanisms between the two levels of government. Here's an overview of administrative relations:

#### **Division of Administrative Functions:**

##### **1. Distribution of Powers:**

- The Constitution of India delineates the powers and responsibilities of the central government and state governments.
- While certain subjects fall exclusively within the jurisdiction of the central government (Union List), others are the domain of state governments (State List).
- Concurrent subjects allow both levels of government to exercise authority, albeit with some limitations.

##### **2. Executive Powers:**

- The central government exercises executive authority over matters within the Union List and Concurrent List.

- State governments have executive powers over subjects listed in the State List and Concurrent List within their respective states.

### **Mechanisms for Administrative Cooperation:**

#### **1. Interstate Council:**

- Established under Article 263 of the Constitution, the Interstate Council facilitates cooperation and coordination among states and between the central government and states.
- It discusses and deliberates on issues of common interest, including economic and social planning, public health, and law enforcement.

#### **2. National Development Council (NDC):**

- The NDC is a platform for dialogue and cooperation between the central government and state governments on matters related to economic planning and development.
- It formulates policies and strategies for balanced and sustainable development across states.

#### **3. Zonal Councils:**

- Zonal Councils are regional forums comprising the Union Home Minister, Chief Ministers of states, and other officials.
- They promote coordination and cooperation among states in matters such as economic and social planning, infrastructure development, and security.

### **Administrative Roles and Responsibilities:**

#### **1. National Security:**

- The central government is primarily responsible for national security, defense, and foreign affairs.
- State governments cooperate with the central government in maintaining law and order and addressing internal security challenges.

#### **2. Infrastructure Development:**

- While the central government provides funding and policy direction for major infrastructure projects such as national highways and railways, state governments are responsible for their implementation and maintenance within their jurisdictions.



### **3. Social Welfare Schemes:**

- The central government formulates and implements national social welfare schemes, while state governments may have their own welfare programs tailored to local needs.
- Both levels of government collaborate to ensure effective delivery of services to citizens.

### **4. Disaster Management:**

- The central government provides assistance and support to states in disaster management and relief efforts.
- State governments are primarily responsible for disaster preparedness, response, and recovery within their territories.

### **Conclusion:**

Administrative relations between the central government and state governments in India are characterized by a division of powers, cooperation mechanisms, and shared responsibilities. While the central government provides leadership, funding, and policy direction on national issues, state governments play a critical role in implementing policies, delivering services, and addressing local challenges. Through dialogue, coordination, and collaboration, both levels of government work together to promote the overall welfare and development of the country.

### **Financial relations**

Financial relations between the central (Union) government and state governments in India are governed by the provisions of the Constitution and various fiscal arrangements established to ensure equitable distribution of resources, fiscal discipline, and cooperative federalism. Here's an overview of financial relations between the central government and state governments:

### **Distribution of Financial Resources:**

### **1. Tax Revenue Sharing:**

- Taxes collected by the central government, such as income tax, customs duties, and central excise duties, are shared with the state governments through mechanisms like the Finance Commission.
- The Finance Commission recommends the distribution of tax revenue between the Union and states based on factors like population, area, fiscal capacity, and development needs.

### **2. Grants-in-Aid:**

- The central government provides grants-in-aid to state governments to support their fiscal needs, particularly for centrally sponsored schemes and projects.
- These grants may be provided for specific purposes, such as infrastructure development, healthcare, education, and poverty alleviation.

### **3. Devolution of Funds:**

- A portion of the central government's tax revenue is devolved to the states as part of the divisible pool of taxes.
- The devolution of funds is determined by the recommendations of the Finance Commission and plays a crucial role in enhancing the financial autonomy of states.

### **4. Loans and Borrowings:**

- Both the central government and state governments have the authority to raise loans and borrow funds from domestic and international sources.
- However, the central government's borrowing capacity is typically higher, and it may extend loans to state governments in times of fiscal stress.

## **Fiscal Responsibilities:**

### **1. Budgetary Allocation:**

- The central government presents the Union Budget annually, outlining its revenue and expenditure proposals.
- State governments similarly present their budgets, detailing their fiscal priorities and spending plans.

### **2. Expenditure Responsibilities:**

- While the central government is responsible for defense, foreign affairs, and other national priorities, state governments manage expenditures related to sectors such as health, education, agriculture, and local infrastructure.

### **3. Fiscal Discipline:**

- Both the central government and state governments are expected to maintain fiscal discipline and adhere to fiscal responsibility norms.
- The Fiscal Responsibility and Budget Management (FRBM) Act, enacted by the central government, imposes fiscal targets and limits on borrowing.

### **Finance Commission:**

- The Finance Commission is a constitutional body constituted by the President of India every five years to recommend the distribution of tax revenue between the Union and states.
- It also advises on grants-in-aid to states and other fiscal matters.
- The Finance Commission plays a crucial role in promoting fiscal federalism and ensuring the equitable distribution of financial resources.

### **Conclusion:**

Financial relations between the central government and state governments in India are characterized by a mix of revenue sharing, grants, loans, and borrowing arrangements aimed at promoting fiscal stability, equitable development, and cooperative federalism. Through mechanisms like the Finance Commission and intergovernmental fiscal transfers, India seeks to balance the fiscal needs of the Union and states while fostering mutual cooperation and shared responsibility for national development.

### **The 73rd & 74th Amendments**

The 73rd and 74th Amendments to the Indian Constitution are landmark legislations that aimed at decentralizing power to local self-government institutions, strengthening democracy at the grassroots level. These amendments were enacted in 1992 and came into force in 1993.

### **73rd Amendment: Panchayati Raj Institutions (PRIs)**

The 73rd Amendment pertains to rural local governance. It introduced a new Part IX to the Constitution, titled "The Panchayats," and added the Eleventh Schedule, which outlines the powers, authority, and responsibilities of Panchayats.

#### **Key Features:**

1. **Three-tier System:** Establishment of a three-tier system of Panchayati Raj for all States having a population of over 20 lakhs. This includes:
  - Village Panchayat
  - Intermediate Panchayat (Block level)
  - District Panchayat (District level)
2. **Gram Sabha:** Constitution of a Gram Sabha (village assembly) comprising all the adult members registered in the electoral rolls of a village within the area of the Panchayat.
3. **Elections:** Direct elections to all seats in Panchayats at the village, intermediate, and district levels. The Chairpersons of Panchayats at the intermediate and district levels are elected indirectly by the elected members.
4. **Reservation:** Reservation of seats (both members and chairpersons) for Scheduled Castes (SCs) and Scheduled Tribes (STs) in proportion to their population. One-third of the seats are reserved for women. Provisions for reservation for Other Backward Classes (OBCs) are also allowed as per state legislation.
5. **Duration:** Five-year term for every Panchayat. Fresh elections to be conducted before the expiry of the term. In case of dissolution, elections must be held within six months.
6. **Powers and Functions:** State legislatures are required to endow Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government. This includes preparing plans for economic development and social justice, and implementing schemes in relation to 29 subjects listed in the Eleventh Schedule.

7. **State Finance Commission:** Establishment of a State Finance Commission every five years to review the financial position of Panchayats and make recommendations regarding the distribution of funds between the State and Panchayats.

### **74th Amendment: Urban Local Bodies (ULBs)**

The 74th Amendment focuses on urban local governance. It introduced Part IXA to the Constitution, titled "The Municipalities," and added the Twelfth Schedule, which outlines the powers, authority, and responsibilities of Municipalities.

#### **Key Features:**

1. **Three Types of Municipalities:** Constitution of three types of municipalities depending on the size and population of the urban area:
  - Nagar Panchayat (for a transitional area, i.e., an area in transition from a rural area to an urban area)
  - Municipal Council (for a smaller urban area)
  - Municipal Corporation (for a larger urban area)
2. **Elections:** Direct elections to all seats in the municipalities. The chairpersons of municipalities are elected in a manner as specified by the state legislation.
3. **Reservation:** Reservation of seats for SCs and STs in proportion to their population, and one-third of the seats for women. Reservation for OBCs is also permitted as per state legislation.
4. **Ward Committees:** In areas having a population of three lakh or more, Ward Committees consisting of one or more wards are to be constituted within the Municipality.
5. **Powers and Functions:** State legislatures are required to endow Municipalities with such powers and authority as may be necessary to enable them to function as institutions of self-government. This includes preparing plans for economic development and social justice, and implementing schemes in relation to 18 subjects listed in the Twelfth Schedule.
6. **State Finance Commission:** Establishment of a State Finance Commission every five years to review the financial position of Municipalities and make recommendations regarding the distribution of funds between the State and Municipalities.

## **Significance**

These amendments mark a significant shift towards decentralized governance and aim to involve the local population in decision-making processes. By empowering local bodies with constitutional status, they promote participatory democracy and accountability, and enhance the efficiency of public service delivery.