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CLASS NOTES

CUET & CLAT

INDIAN POLITY

TOPIC:

LOCAL GOVERNMENT

BY

NIKHIL SAREEN

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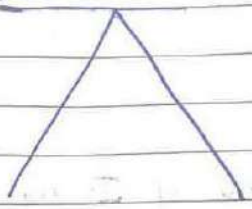
INDIAN POLITY

LOCAL GOVERMENT

Federalism



Centre → Power

State → Power

Rural Areas → Villages (population) → Roots

3 tier Government

As per your need you can make 3 or 2 tier Government

State Government

LOCAL GOVERMENT → Motive → Root Area → Problems → Elected Government

LOCAL GOVERMENT → Urban Area, Rural Area

* Rajasthan 1st state → To establish panchayati Raj → Nagaur District 2 oct, 1959

P.V Narsimha Rao Government (1992) → Constitutional Amendment Act, 1992
↳ 73rd & 74th Amendment Act

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73rd Amendment Act → Rural Local Governments → 11th schedule → part IX of Indian Constitution → Article 243 - 243(O)

74th Amendment Act → Urban Local Governments → 12th Schedule → Part IX(A) of Indian Constitution → Article 243(P) - 243(ZG)

RURAL LOCAL GOVERMENT

→ 73rd Constitutional Amendment Act, 1992

→ Came into force on 24 April, 1993

→ Panchayati Raj Day

→ Schedule - 11

→ Part IX of Indian Constitution

→ Article 243 - 243(O)

→ 29 Functional Items

→ Gram Sabha :- Foundation of Panchayati Raj
:- 18 year or Above (part of Gram Sabha)

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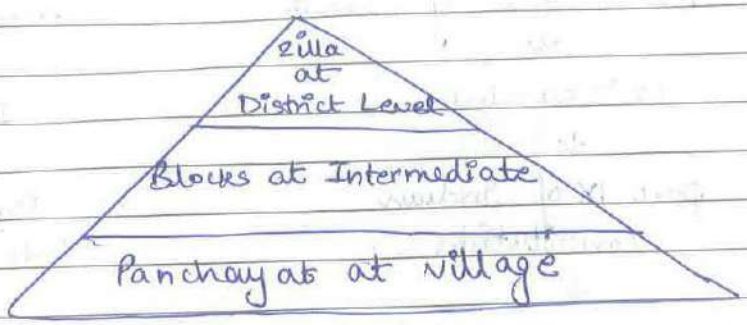
Three tier government



Election of Member + chairman
- village, Block, District

Elected directly by people

Reservation of Seats

1/3rd Seats are reserved for women

SC, ST (Reserve)

Duration of panchayat

5 year at all Levels.

Before completing Tenure
→ within 6 months election should take place.

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Age Limit → for participating in Election

21 years

Elections

State Election Commission

Appointed by Governor

Tenure determine by Governor

State Election Commission

↳ Governor

↳ Tenure determine by Governor

↳ Removal process

President via parliament

(Same like H.C Judge)

↳ Finance commission

Appointed by Governor

Tenure : 5years

Review the financial position of panchayati

motive :- Distribution of finance between State & panchayat.

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11th Schedule
↓
29 items
→ Village - Agriculture
→ Minor - Irrigation
→ Drinking water
→ Animal Husbandary
→ Market fairs, etc.

URBAN LOCAL GOVERMENT
↓
Municipal Corporation
↓
Municipality
↓
Port Trust
↓
Township

I st Urban Local Government
↓
First Municipal Corporation of India
set up at Madras (1687-88)
↓
In 1882,
Lord Rippon
↓
Father of Urban Local Goverment
↓
Magna Carta of Local Self Government

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P.V Narsimha Rao government
↓
74th Constitutional Amendment Act, 1992
↓
Came into force 1 June, 1993

Urban Local government

↓
74th constitutional Amendmen Act, 1992
↓
1 June, 1993
↓
12th Schedule
↓
Part IX(A) of Indian Constitution
↓
Article 243 (P) - 243 (ZG)
↓
Three types of Municipalities
- ↳ Nagar panchayat – Area transform rural to urban
- ↳ Municipal ~~corporat~~ council – Small urban areas
- ↳ Municipal corporation – Large urban areas

↓
Elected member
- ↳ by Voters (18 years or above)
- ↳ Reserve Seat → 1/3rd seat women (SC, STs)

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Duration of Municipalities

↓

Tenure : 5 years

↓

Dessolution before tenure
↳ within 6 months election
should took place.

↓

Qualification
↳ Indian
↳ 21 year (Minimum Age)

↓

State Election Commission
↳ Electoral Role
↳ Conduction of Election

↓

Finance Commission
↳ 5 years
↳ Appointed by Governor

↓

12th Schedule
18 Items
- Urban planning
- Road bridges
- Fire service
- Burial ground
- parking Lots
- Street Lights, etc.

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INDIAN POLITY

GOVERNOR

Governor
↓
Chief Executive Head of the State.
↓
Article 153 - 167] Indian Constitution (State executive)
↓
Part VI
↓
Governor, CM, Council of Ministers, Administrator
↓
Act as a Agent of Central Government
↓
As per 7th Constitutional Amendment Act, 1956
(A person can be appointed as governor of two or more state)
↓
India (Bag of Borrower)
↓
Governor
↓
Government of India Act, 1935
↓
Governor act as a agent of Central government in the state.
↓
Canadian constitution

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Governor

↓

Elected by president of India

↓

Governor model

↓

Canadian model

↳ Qualification of Governor

↓

→ 35 years minimum age

→ Indian

↳ Appointment of Governor

① Governor - Outsider

② President must consult CM of a state before appointment of Governor for concerned a state.

↓

↳ Oath

→ Chief Justice of concerned High court.

↓

↳ Tenure

→ Hold office for 5 years.

→ Pleasure of president.

↓

↳ Resign.

→ President of India

↓

↳ Remove

↓

President of India

{ 1982 - S.C. given wordings regarding "pleasure of president"

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Governor can be transfer to another state by president.

↓

Governor died during his/her tenure.

↓

Chief Justice of H.C will be ~~appointed~~ acting as a Governor.

If Chief Justice of H.C will not be there, then the senior most judge of H.C will be acting as a Governor.

↓

Power & function of Governor

↓

Governor has all powers same as president except :-

↳ Diplomatic power

↳ Military power

↳ Emergency power

Executive power

- All the state governments run on the name of Governor.
- Governor appoint Chief minister & other minister.
- Appoint state Advocate ~~General~~ General.
- Appoint state Election commission.
- Recommend imposition of constitutional emergency to president.
- Chancellor of all the state Universities.

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Legislature power

- Governor is the integral part of state legislature.
- No bill become act until governor sign it although ~~Governor~~ do not sit under State Legislature Assembly.

State Assembly → Bicameralism (Two houses)

(MLA's) Vidhan sabha — Vidhan Parishad (Governor)

Under Article 168 ↓ Every State consists of Governor & either one or two houses.

Under Article 169 ↓ Creation or Abolition of Legislative Council (Vidhan Parishad) in a State by the parliament after Special Majority Resolution in the State Legislature.

★ 6 states - Bicameralism
- Andhra Pradesh
- Maharashtra
- Telangana
- Karnataka
- Uttar pradesh
- Bihar

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Election commission consult with respect to Disqualification of state legislature

BILL

↓

Introduce vidhan Sabha

↓ Pass

Governor → (yes , Bill become Act)

↓

When bill sent to governor :-

↳ Governor give assent to bill (yes) ✓

↳ with hold his assent (Refuse)

↳ Return the bill for Reconsideration to state Legislature. (Suspensive Veto)

[If the bill is passed again by state legislature with / without Amendment then Governor has to give his assent.]

↳ Governor can reserve the bill for consideration of the president.

↳ Governor can't reject money Bill.

* Governor → Ordinance power

↓

When state Assembly is not in session : at that time Governor can make a law but once State Assembly comes in a session then within 6 week the state Assembly must approved it & if they are not approving it becomes NULL or VOID.

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Financial power

- All money bill introduce in State legislature after prior recommendation of governor.

Imp - Governor appoints finance commission for every 5 year to review the position of panchayat & municipality.

Judicial power

→ Pardoning power : Death sentence can not be pardon. (It is with president only under Article-72)

★ Article 163	★ Article 164
↓	↓
There shall be council of Ministers headed by CM to aid & advice to governor in the exercise of his/her function	The council of Minister shall be collectively responsible to state legislative Assembly.

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INDIAN POLITY

PRESIDENT

Indian constitution

PRESIDENT → Article 52 - 78 PART-V → Union Executive

Head of Indian State

Election of president (not directly elected by people)

Elected by the Electoral college

↳ Elected members of both houses of parliament

[MP of Lok Sabha & MP of Rajya Sabha]

→ Nominated member of Rajya Sabha

↳ Elected members of state Legislature (MLA)

(Nominated member will not participate)

(MLA) ↳ Elected member of Union Territories (Delhi & Puducherry)

(Nominated Member will not participate)

Elections

First past the post (FPTP)

MP's, MLA's

Proportional Representational System (PRS)

* President is elected according to the system of PRS by the means of Single Transferable Vote
* Voting is done by Secret Ballot Box.

President, Vice-president, Prime Minister & Council of Ministers & Attorney General of India.

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* All doubts & disputes in connection with elections of president is enquired by the Supreme court & Supreme court decision is final.

PRESIDENT

* 1st → Dr. Rajendra prasad (only president of India elected twice)
* Zakir Hussain & Fakhruddin Ali Ahmed
  ↓ (1969) ↓ Death (1977)
  (V.P & President) during their tenure

- (V.P & President) K.R Narayan [Emergency]
- (V.P & President) V.V Giri → Indira Gandhi → Independent candidate

* 1st women president → Pratibha Patel
* current president of India → Droupadi Murmu
  ↓
  Governor of Jharkhand

⇓

Qualification
- Indian
- At least 35 year of age

⇓

Oath
↳ Chief Justice of India
↓
Senior most judge of S.C

⇓

Tenure :- 5 year (can be re-elected)

⇓

Resign :- Vice-president of India

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President died during tenure
↳ Vice-president will act as president of India till new election.
↳ Election will held within 6 months.
(Should be conducted)

- Vice-president seat will be given to Deputy chairman till new president is re-elected.

V. Imp ★ president death → Vice president will take the seat of president → re-election of president
↓
Then Vice-president will back to his seat & if he wants to become president - he will fight for the president election.
↓

V. Imp ★ when both Vice-president & president is not there then chief Justice of India will act as a president.

⇓

Impeachment · (Removal of President of India)
↳ violation of constitution
↳ Impeachment can be initiated in LS/RS.

LS → 2/3rd Majority (Pass) ⇒ Present & Voting
|
RS → 2/3rd Majority (Pass) → Removal of president

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