

UNIT – 7

DEMOCRATIC PROCESS

Lesson Structure

7.0 Objective

7.1 Introduction

7.2 Democracy: Concept and Meaning

7.3 Institutions of Government

7.3.1 Union Government

7.3.2 State Government

7.3.3 Local Government

7.4 Centre-State Relations with Reference to Union, State and Local Government

7.5 Summary

7.6 Questions for Exercises

7.7 Suggested Readings

7.0 Objective:

A democratic process is a practice that allows democracy to exist. Democracy is based on the idea that everyone should have equal rights and be allowed to participate in making important decisions. This unit will help you understand the meaning and concept of democracy in India.

It also discusses the various institutions of the government, namely, the Union, State and Local government and the centre-state relations with reference to Union, State and Local government.

7.1 Introduction :

India has the distinction of being a unique federal country. Ordinarily, federalism involves a two tier system-central/union government at the first level and the state/provincial government at the second level. But the Indian constitution provides for a three tier federal structure as below:

- 1 Union Government at the top
- 1 State Government in the middle
- 1 Local Government i.e. Panchayats and Municipalities at grass root level

In this unit, you will learn about the meaning and characteristics of democracy, the different forms of government (Union, state and local) along with the centre-state relations between the centre, state and local government.

7.2 Democracy : Concept and Meaning :

In the texicography of political science, no word is more controversial than democracy. The suitability of democracy is related to the question of the form of government and not to that of principle. Many scholars object to the application of democracy to particular circumstances but they are not opposed to democratic principle. Today many people ask whether the circumstances or environment will be moulded to make them suitable for democracy or democracy will be changed to mould the environment for its own development.

As to the proper meaning of the word, there is also a controversy. As G C. Field observes, 'In recent years, controversy has arisen about the proper meaning of the word democracy ...' In spite of differences of opinion, democracy is regarded as a useful form of government. Where it does not exist, men are fighting for it and where it already exists, men are striving to make it perfect.

Etymologically, democracy is derived from two Greek words *demos* and *kratia*. *Demos* means people and *kratia* means power or rule. Therefore, democracy means the power or rule of the people. Here are some more definitions of democracy. C. D. Burns says, 'Few words have been more loosely and variously defined than democracy. It has literally meant all things to all men.' Laski observes, 'Democracy has a context in every sphere of life; and in each of these spheres it raises its special problems which do not admit of satisfactory or universal generalization. Burns also remarks, 'Democracy may be found both in social and political organization; and indeed it is possible to speak of democracy in every form of social life, in religion, in industry as well as in politics. Abraham Lincoln defines democracy as 'the government of the people, by the people and for the people.' Seeley says that 'democracy is a government in which everyone has a share. MacIver defines democracy as 'not a way of governing whether by majority or otherwise, but primarily a way of determining who shall govern and broadly to what ends' .

According to Maxey, 'Democracy is a search for a way of life in which the voluntary free intelligence and activity of man can be harmonized and coordinated with the least possible coercion.' In the words of Giovanni Sartori, 'Democracy denotes a political system characterized by the absence of personal power and more particularly, a system that hinges on the principle that no one can proclaim himself as a ruler, that no one can hold power irrevocably in his own name.' Ivor Brown is right when he says that 'the word has come to mean anything; or rather so much that it means nothing at all.' UNESCO questionnaire speaks of the vagueness of democracy. Robert Dahl says that a responsible democracy can exist only if the following institutional guarantees are present :

- 1 Freedom to form and join associations
- 1 Freedom of expression
- 1 Right to vote
- 1 Right to be elected and hold public offices
- 1 Right of political leaders to compete for support and vote
- 1 Alternative sources of information
- 1 Free and fair election

- 1 Institutions for making government policies depend on votes and other expression of preferences

Characteristics of Democracy

Democracy has certain characteristics. Sociologist, R. M. MacIver says that democracy is not a way of governing, whether, by majority or otherwise, but primarily, a way of determining who shall govern and broadly to what ends. Democracy is not a one way traffic. It implies responsibilities both on the part of the ruler and ruled. It is based on the cooperation of both. The main characteristics of democracy are as follows:

- 1 **Popular sovereignty:** Democracy is based on the sovereignty of the people. That is to say people exercise supreme power in a democracy. They have the right to elect the government and the government remains responsible to them. If the government does not fulfil the wishes of the people, people have a right to overthrow it and institute a new government.
- 1 **Political, social and economic equality:** In a democracy, there is political, social and economic equality. As far as political equality is concerned, all rich or poor, educated or uneducated, have one vote only. In the social sphere, there shall not be any discrimination against anyone on grounds of religion, race, sex, caste or place of birth. In the economic sphere, there shall not be great gulf between the rich and the poor or haves and the have nots.
- 1 **Majority rule :** Democracy is rule of the majority. It is the majority that governs in a democracy. No party can govern unless it has acquired majority of seats in the legislature.
- 1 **Respect for the opinion of the minority :** In a democracy no doubt, the majority rules, but it cannot ride rough shod over the minority. The opinion of the minority should be given due consideration.
- 1 **Rights :** Democracy provides various kinds of rights to individuals. Example: The right to freedom of speech and expression, right to form unions or associations, religious freedom, right to free movement and educational and cultural rights are some of the rights that the people enjoy in a democracy. It upholds individual dignity.
- 1 **Government by adjustment and compromise :** Democracy is a government by adjustment and compromise. Different opinions are likely to arise in a democracy within the ruling party itself. Therefore, it has to function with adjustment and compromise with a variety of opinions. Therefore, it allows plurality of ideas.
- 1 **Value system :** It is a form of government in which people can realize their best ideals and highest qualities. Therefore, it is a system of values. Three things are important in a democracy, efficiency, realization of best ideals and qualities and self-rule. If democracy lacks efficiency, it will be the worst form of government.
- 1 **Democracy is a welfare-oriented concept :** America, which is one of the best democracies used, realized during the great Depression and afterwards that democracy should be used to promote the needs and welfare of the people. Most of the democratic countries today are welfare countries. They aim at promoting the welfare of the people without destroying individual freedom.
- 1 **Rule of law :** In democracy, there is rule of law. It means the supremacy of law as against that of man. It also stands for equality of law. A.V. Dicey is an exponent of the rule of law in Britain.

- 1 **Independence of judiciary :** Democracy is characterized by independent judiciary with the exception of England. The judiciary acts without fear or favour, affection or ill will. It can declare a law as ultravires, if it violates the constitution.
- 1 **Opposed to coercive methods :** It is based on persuasion not coercion.
- 1 **Democracy is a theory of society as well as government :** A.D. Lindsay has explored this concept of democracy. The purpose of every democratic government is to serve the community. For this purpose, it has to remove disharmonies from the society and provide a congenial atmosphere for democratic values and principles to thrive.
- 1 **Leadership :** Democracy provides scope for producing leaders starting from the village level to the national level. Those who have the qualities of leadership can get scope to prove their talents. For example, Jawaharlal Nehru was the chairman of the Allahabad Municipality however, he rose to the position of the Prime Minister. There are many such examples in which leaders have started their career from lower levels and proved to be efficient as national leaders.

Therefore, democracy is not only a form of government, but also a way of life.

Political, Social and Economic Democracy

Democracy has political, social and economic dimensions.

- 1 **Political democracy:** In the political sphere, it stands for liberty, freedom of speech and expression, majority rule and tolerance of the views of the minorities.
- 1 **Social democracy:** Operates in the social sphere; it means that there shall be equality and no discrimination against anyone on grounds of religion, race, sex and place of birth.
- 1 **Economic democracy:** It means that in the economic sphere, there shall be equitable distribution of wealth. There shall not be a great gulf between the rich and poor.

Safeguards of Democracy

Certain conditions are necessary for democracy to be successful. Aristotle pointed out to the economic basis of politics. Politics cannot succeed unless people are economically sound and there is no great gulf between the rich and poor. Sometimes, it tends towards dictatorship. Hence, it is necessary to discuss at length the safeguards of democracy, which are as follows:

- 1 **Faith in democracy:** This is the most important condition for the success of democracy. People must have faith in democracy and should be read, to be governed democratically. Then they can develop qualities like majority rule, tolerance, responsibility, independent voting power, etc.
- 1 **Universal education:** Universal education is another condition for the success of democracy. Without education, people cannot distinguish the right from wrong. Therefore, J.S. Mill said that 'Universal education should precede universal franchise.'
- 1 **Removal of poverty:** Removal of poverty is another safeguard of democracy. If half of the population-remains below the poverty line, they cannot take any interest in the democratic process. Their time will be spent in earning two square meals a day. Instead of exercising their conscience, they will vote for money.

- 1 **Spirit of law-abidingness:** In a democracy, people should develop a spirit of law abidingness. It enhances discipline and builds the national character. It establishes and maintains political morality. In its absence, there will be anarchy and corruption.
- 1 **Rule of law:** Rule of law is another safeguard of democracy. It means supremacy of law as opposed to supremacy of rulers. There should be equality before law and equal-protection of law. Then only democracy can be real.
- 1 **Bi-party system :** Bi-party system is the best safeguard of democracy. In England and America, democracy has been successful because of bi-party system. In a bi-party system, one or the other party must secure a majority. The party that does not secure a majority sits in the opposition. In Britain, the opposition is known as his majesty's opposition and the leader of the opposition is the shadow prime minister. There is also a shadow cabinet~ It is the opposition corresponding to every minister in the government.
- 1 **Independent media:** The media, like the press, radio, T.V. etc., should be independent and impartial. They should report news and views independently. They should not indulge in yellow or sensational journalism. If the media is free and impartial, the government will function with caution.
- 1 **Strong opposition :** The opposition should be strong. What is necessary in a parliamentary democracy is that the opposition should be equally strong. It should not oppose for the sake of opposition but offer constructive criticism.
- 1 **Patriotism :** People should have loyalty towards their nation. They should be willing to sacrifice themselves for their country.
- 1 **Agreement on fundamentals :** People should have faith in the basic and fundamental principles of democracy. They should have some common programmes for the development of the country. Whichever party comes to power it should strive to implement these principles. There should be change of government through constitutional means .
- 1 **Wise constitution :** The constitution should ensure social, economic and political justice to the people. It will build a strong foundation for democracy. If the aim of the constitution is to create merely a police state, democracy cannot survive for long. For example, Pakistan's constitution led to the overthrow of democracy because of weak constitution.
- 1 **Eternal vigilance :** It is said that eternal vigilance is the price of liberty. It can also be equally applied to democracy. There may be enemies from outside the state. People should be vigilant against them. There may be danger of antisocial elements from within the state. People should keep a watchful eye on them.
- 1 **Decentralization of power :** It is another safeguard of democracy. It gives power to the people at the grassroot level. If the above safeguards are observed, democracy can work successfully in a country.

7.3 Institutions of Government :

Government institutions are divided into three parts:

1. Union Government
2. State Government
3. Local Government

7.3.1 Union Government

The Government of India (GoI), officially known as the Union Government or Central Government, was established by the Constitution of India, and is the governing authority of the union of 29 states and seven union territories, collectively called the Republic of India. Let us discuss its various elements.

A. The President

Under the Constitution of India, the office of the President of India is virtually analogous to that of the British monarchy in keeping with the spirit of the parliamentary executive. Being the ceremonial head of state, the office of the President is an exalted one, with enormous prestige, authority, grace, dignity, respect and adoration, but very less activism. The executive power of the union is based on the assumption of the President being a rubber stamp of the government in order to authenticate the decisions made by the council of ministers, barring a few cases ordained by circumstances. The President and the Vice-President are the formal executive heads of the Union, while the actual executive is the Union Council of Ministers, with Prime Minister as its Chairman.

The Constitution of India provides for various conditions of his office. Though any Indian who is thirty-five years of age is eligible to be elected to the Lok Sabha and is entitled to contest for the office of the President; in reality, only persons with either exceptional qualities and stature or having the blessings of the leader of majority party in parliament have been elected to the President's office. The elections to the office of the President are indirectly held through an electoral college consisting of the elected members of both the houses of parliament and the elected members of the state legislature assemblies. The President is elected for a term of five years with an entitlement for re-election. However, with the exception of Dr Rajendra Prasad, no President has been re-elected to office. The President may be removed from the office by the process of impeachment, which is a cumbersome one, on the charges of violation of the constitution. Though the various aspects of the office of the President have contributed to his figurehead and ceremonial position, the constitution has also ensured him a stable tenure so that he can function without fear or favour in the exceptional cases when he may be required to take a position that is unpleasant to the party in power.

Position and Role of President

Broadly speaking, there have been two views regarding the actual position of the President, which are as follows:

1. President is a nominal head

We have a parliamentary system of government in which the President can only be a nominal head. The actual powers lie with the Prime Minister and his council of Ministers. Article 74 states that there shall be a Council of Minister with the Prime Minister as the head to aid and advice the President who shall, in the exercise of his functions, act in accordance with such advice. The President may ask the Council of Ministers to reconsider its aid and advice, but he is bound to act according to the advice tendered after such reconsideration. There is no provision in the Constitution which says that the President shall be responsible to the Lok Sabha or the Parliament. The fact that the Council of Ministers takes the decision is clear from Article 78, which enumerates the duties of the Prime Minister in relation to President. The Indian President has not been given any discretionary power and exercises all his powers and functions strictly according to the advice of the Council of Ministers. Last but not the least, in the operations of Indian political system during the last fifty years on the whole the Presidents have acted as nominal Head.

2. President is not a nominal head

This has been more or less a legalist view, which was more relevant before the 42nd Constitutional Amendment Act. The Amendment Act provided that the President would act according to the advice tendered by the Council of Ministers. But still there are certain arguments which state that at least the Constitution did not provide for Nominal Head. Before assuming his office, the President takes an oath to faithfully execute the office of the President of India and to preserve, protect and defend the Constitution and the Law and that he will devote himself to the service and well-being to the people of India. For the purpose of following his oath, he acts independently if he feels that the Cabinet advice is contrary to the oath he has undertaken. Further as per the Article 53, he has to exercise the executive powers of the Union, either directly or through officers subordinate to him in accordance with the Constitution. This also leaves certain undefined powers with the President.

B. The Prime Minister

In the parliamentary system of the Government in India, the Prime Minister (PM) is the real executive in contrast to the ceremonial position of the President of India. The office of the PM is a prominent one as it has attained immense power and authority in the Indian political system. But the executive system is not a one-man show. Emphasizing the collective nature of responsibility, true to the essence of a parliamentary democracy, the Constitution of India has also accorded a position of prime importance to the Council of Ministers under the leadership of the PM. The Indian system is symbolic in ensuring a leading position to the PM with the collective responsibility of the cabinet. The PM is the pivot, the guiding star that perceives and responds to the situation much ahead of others. Under Article 75 of the Indian Constitution, the appointment of the PM is ordained by the President who conventionally invites the leader of the majority party in the Lok Sabha to form the government. However, the President may afford his discretion if the multi-party system fails to throw up an obvious choice.

After assuming office at the prestigious South Block, the ministers are appointed on his choice. It must be noted here that the PM has a prerogative to be twisted at times to suit to the compulsions of running a coalition government.

A convention has always been followed in India that the PM needs to be a member of the Lok Sabha. However, Dr Manmohan Singh remains an exception, when as a member of the Rajya Sabha, he was elected as the Prime Minister in the United Progressive Alliance (UPA) government. Noteworthy is the fact that the President is free to appoint any person as PM if he is of the opinion that the person to be appointed is likely to enjoy the confidence of the Lok Sabha. He may appoint the PM from amongst the members of either House of the Parliament or even from amongst the outsiders. In case an outsider is appointed as the PM or as a minister, he must become a member of either House of Parliament within six months of his appointment. The continuation of the PM in office depends upon his majority support in the Lok Sabha, though the Constitution provides that the Ministers hold office during the pleasure of the President. However, the pleasure of the President is, in fact, the pleasure of the majority support of the Lok Sabha, to whom the government is collectively responsible and whose vote of no-confidence leads to the withdrawal of the pleasure of the President, resulting in the ouster of the government.

Role, Power and Functions of the PM

The Constitution of India vests executive powers of the Union in the hands of the Prime Minister and his team. But the propriety of the post and the role of the PM in the Indian polity is much more

widespread and demanding, than what has been defined in the Constitution. The group is, at least, dominant, if not absolute. His, assertive personalities at times have added more power to the position. Recall the days of the regime of Indira Gandhi and even her father Jawaharlal Nehru.

The PM's role spans many diverse areas. These include:

- 1 The power to advise the President about the appointment of other ministers to constitute the Union Council of Ministers. He has a free choice in selecting his colleagues. The only thing which he has to keep in mind, while preparing the list of ministers, is that he has given representation to various groups in his party and that ministers are drawn from different states.
- 1 The political life and death of ministers also depends upon the PM. He assigns to them various ministries and departments. He may change their portfolios or may even advise the President to dismiss them.
- 1 The PM influences to a great extent every other appointments made by the President. The President appoints Chief Justices and Judges of the Supreme Court and the High Courts, Comptroller and Auditor-General, Attorney General, Election Commissioners; Chiefs of Staff of Army, Navy and Air Force, State Governors, Ambassadors and High Commissioners and many other State officers. All these appointments are essentially the choice of the PM. The Parliament is summoned and prorogued by the President on the advice of the PM. The PM also advises the President about the dissolution of the Lok Sabha.
- 1 The Prime Minister is the channel of communication between the President and the Council of Ministers.
- 1 As Chairman of the Union Council of Ministers, the Prime Minister summons meetings of the Council of Ministers and presides over them.
- 1 The Prime Minister, being the Chairman of the Council of Ministers, not only supervises the departments under his personal charge but also co-ordinates and supervises the work of all other departments and ministers.
- 1 The Council of Ministers is collectively responsible to the Lok Sabha. This they can do only if their leader shields and defends them, and their actions, both in and out of the Parliament. They must speak with one voice .
- 1 Important policy matters are initiated by the PM in both the Houses of Parliament. It is he who gives his opening speech on important policy matters and informs the Houses of the purpose the government wants to achieve.
- 1 It has been the prerogative of the PM to take a direct and keen interest in India's international relations.
- 1 The PM, being the leader of the majority party, has to take the whole party into confidence, so that he continues to command the confidence and support of his party.

The office of the PM in the Indian political system has exhibited varied leadership styles and performances due to various factors whether personal or circumstantial. From Nehru to Manmohan Singh, there have been distinct modes of perceptions and achievement orientations. However, in the era of coalition governments, the role and outlook of the PMs have become more cautious, cooperative, controlled but constrained in order to fix support of the participating parties of the government. The cabinet, at times, may also become problematic that would compel the PM to take a back seat. Thereby,

the question of PM's autonomy becomes really crucial in such situations. For PM it is not just an issue of the survival of his party, but also of the people and the nation.

C. Council of Ministers

The makers of the Indian Constitution intended that though formally all executive powers were vested in the President, he or she should act as the Constitutional head of the Union Executive like the British Crown, acting on the advice of ministers responsible to the Lok Sabha. Thus, the Council of Ministers of the Executive consisting the top leadership of the governing party or parties and assured support of the majority in the Parliament is the seat of authority and source of all decisions of the Executive. The council of ministers work within the framework of public opinion, pressure of interest groups, limitations of party programme and promises, media coverage, pressures of opposition, nursing of majority in the House, and also the commitment to its own deeds, misdeeds, errors or omissions.

All the Council of Ministers do not belong to the same rank. They are classified under three ranks: (a) Cabinet Minister or 'Members of the Cabinet'; (b) Minister of State; and (c) Deputy Ministers. The Cabinet rank ministers are the heads of their departments. The Ministers of State are formally of Cabinet status and are paid the same salary as the Cabinet Ministers and they may hold independent charge of their department. The Deputy Ministers are paid lesser salary than the- Cabinet rank ministers and have no separate charge of a department. Theoretically, the complete body of executives comprises the Council of Ministers, with the cabinet being one of its three components. In reality, the Cabinet is more important, influential and powerful than the members of the cabinet. The Cabinet consists of a few important senior ministers who are in charge of departments like Finance, Defense, etc. It is described as 'a wheel within a wheel' and is thus the nucleus of the Council of Ministers. According to the 91st Constitutional Amendment (2003) 'the total number of Ministers, including the Prime Minister, in the Council of Ministers shall not exceed fifteen per cent of the total number of members of the House of the People'.

Another important feature about the Council of Ministers is the notion of collective responsibility. All members of the Cabinet must publicly support all governmental decisions made in Cabinet, even if they do not privately agree with them. This is because the Constitution states that the Council of Ministers are collectively responsible to the Lok Sabha. This means that they can stay in office only so long as they enjoy the confidence or pleasure of the Parliament. They are collectively responsible; they sink and swim together. Accordingly, if even one member of the Council of Ministers loses the confidence of the Lok Sabha, either by a vote of no-confidence, rejection of budgetary demands or defeat on any major matter, the entire council of ministers are voted out.

The Cabinet

The cabinet is the minor body of the Council of Ministers, which comprises the principal ministers who, while holding important portfolios, are responsible generally for government administration and policy. The Cabinet must be of small size, which ranges between 12 and 18 people. It has more often been the result of political considerations than of efficient decision-making. The composition of the Cabinet reflects a concern for a degree of regional balance and for the representation of important communities - Muslims, Sikhs, SCs, STs and OBCs.

The Cabinet has four major functions-to approve all proposals for the legislative enactment of government policy; to recommend all major appointments; to settle interdepartmental disputes; and to

coordinate the various activities of the government and oversee the execution of its policies. Only members are entitled to attend the weekly meetings of the Cabinet, but Ministers of State, Chief Ministers and technical experts may be invited to attend discussions of subjects with which they have special concern. Votes are rarely taken into consideration in the Cabinet. Important decisions usually are reached after discussion. Only major issues are referred to the Cabinet, and frequently even these, such as the preparation of the budget, are decided by the appropriate minister in consultation with the Prime Minister. The work of the Cabinet is handled largely by Committees.

Powers and Functions of the Council of Ministers

The Council of Ministers form the Government of the Union. It is headed by the Prime Minister, who is the head of the Union Government. Functions of the Council of Ministers are to aid and assist the President in exercising his or her role as the head of nation. Its powers and functions may be discussed as follows:

(i) Legislative functions : The Council of Ministers control the legislature of the Union Government, i.e., the Parliament. Council of Ministers formulate its policy, submit and explain it to the Parliament for approval. Since it holds majority in the Parliament, it is always sure of the acceptance of its policy. The entire legislation of importance passed by the Parliament is initiated by the Ministers. Maximum legislative bills are prepared and submitted in the Parliament by the Council of Ministers.

(ii) Financial powers : The Cabinet controls the financial policy of the Union executive. It is the Finance Minister who submits the budget to the Parliament. The Parliament approves the budget-expenditure and revenue items in its original form with the support of a subservient majority.

(iii) Executive powers : The Council of Ministers is the executive branch of the Union. The ministers preside over various departments of the government and give directions to the administration. The Cabinet brings about the coordination of policy among various departments and settles their conflicts. The Cabinet formulates foreign and defence policies of the country and executes the five year plans.

(iv) Council of ministers in foreign and military affairs : The Council of Ministers may declare war with a country and conclude peace. All the treaties and international agreements are negotiated and concluded by the Council of Ministers.

7.3.2 State Government

State Executive consists of Governor and Council of Ministers with Chief Minister as its head. The Governor of a State is appointed by the President for a term of five years and holds office during his pleasure. Only Indian citizens above 35 years of age are eligible for appointment to this office. Executive power of the State is vested in Governor.

A. Governor

In accordance with the federal characteristics, the Constitution of India envisages two tiers of government, one at the level of the Union, and the other at the level of the states. Part IV of the Constitution of India lays down the structure of the state governments and stipulates a parliamentary form of government like that for the Centre.

In accordance with the parliamentary framework, like the Union Government, the State Governments also have two forms of Executive—the constitutional head and the real executive. The Governor is the constitutional head of the state and the Chief Minister is the real executive of the state.

The ambiguity about the dual role of the Governor, his powers and functions has provoked sharp debates and controversies both in terms of nature of the federation and Union-State relations.

Office of the Governor

Appointment: According to Article 153 of the Constitution, each state in India has a Governor and the executive power of the state is vested in him. He is appointed by the President of India for a term of 5 years and holds office during the pleasure of the President (Article 156). This means that a Governor can be removed by the President at any time even before the expiry of the term.

Regarding the appointment of the Governor, there have been two conventions in India:

- 1 The Governor is appointed from outside the state concerned. This convention is there to ensure impartiality of the Governor in state politics. However, there have been instances when this convention was not followed.
- 1 The states are consulted by the Centre in the appointment of the Governor. However, this practice is also not always followed in every appointment.

A study of the persons appointed as Governors clearly reveals that a considerable number of retired politicians have been appointed as Governors. Besides, retired bureaucrats, judges and retired army officials have also been made Governors. Thus, frequently, the Governors have been accused of playing in favour of the party-in-power at the Centre.

Qualification: The Constitution prescribes the following qualifications for a person to become a Governor:

- 1 He must be a citizen of India
- 1 He must have completed the age of 35
- 1 He should not be a Member of Parliament or State Legislature
- 1 He shall not hold any office of profit

Powers and Functions of the Governor

The powers and functions of the Governor can be categorized as follows:

(a) Executive Powers : The Governor appoints the Chief Minister and his Council of Ministers. However, following the Parliamentary form of government norms, they are responsible to the State Assembly and remain in power till they enjoy the confidence of the State Assembly. The Governor also appoints the Advocate General, and the members of the State Police Service Commission.

All the executive actions of the state are done in the name of the Governor. It is the duty of the Chief Minister to communicate the Governor all the decisions of the Council of Ministers relating to the administration of the state and proposals for legislation.

(b) Legislative Powers : The State Legislature consists of the Governor and the State Legislative Assembly. Thus, he is an integral part of the legislature and enjoys a variety of powers. Governor may summon, address, prorogue and dissolve the legislature. When a bill is passed by the legislature, it has to be presented to the Governor and the Governor shall declare either that he assents to the bill or that he withholds assent or that he reserves the bill for the consideration of the President. Article 213 empowers the Governor to promulgate ordinances during the recess of the legislature. He also has the power of causing to be laid before the state legislature the annual financial statement and recommending money bills.

(c) Judicial Powers : The Governor of a state has the power to grant pardon, reprieve, respite or remission of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the state extends.

(d) Discretionary Powers : Apart from the normal functions which the Governor exercises as a constitutional head, he exercises certain discretionary powers. Some of them have been expressly conferred on him, some other flow by necessary implication.

Article 163 (1) states the Governor should act according to the advice of the Cabinet except when he is required by the Constitution to act in his discretion. Article 163 (2) confers the Governors the blanket discretion to decide when they are required to act in their discretion. The Governor's satisfaction, as well as certain responsibilities, therefore, becomes vulnerable to the discretionary power.

With regard to the discretionary power by implication, they are significant in two matters. One is with regard to the appointment of Chief Minister when neither a single party nor a combination of parties emerges from the election with a clear majority. Related to this is also the question of dismissal on the loss of majority support. The second matter is with regard to making a report to President under Article 356 about his satisfaction that a situation has arisen in which the Government of state cannot be carried on in accordance with the provisions of the Constitution, thereby recommending the imposition of the President's rule.

These powers were meant by the Constitution-makers to be used for extraordinary and emergency situations. But in practice, not only these but also some normal powers, like that of reservation of bills for the consideration of President, have been used in quite controversial manners which suggests partisan motives thereby creating tensions between Union-State relations.

B. Chief Minister

Taking the analogy of the parliamentary system of governance at the state level, the Constitution provides for the office of the Chief Minister to be the real executive of the state. He symbolizes ruling power structure and wields more authority than anybody else in the state.

However, the philosophy underlying the creation of a democratic set-up in the state under the Indian Constitution appears to be guided by the compulsions of the unity and consistency in the governance of the country as a whole rather than ensuring to each state a fair degree of functional autonomy in the true spirit of the federal structure of the Indian polity. Consequently, the position of the Chief Minister, rather than being that of a democratic ruler with wide-ranging powers and functions, appears to be that of a local ruler with many fetters put on his functional autonomy-in the form of the vast discretionary powers afforded to the centrally nominated Governor, by using which he can impair the effectiveness of the Chief Minister as the real ruler of the states elected by the people.

Appointment of the Chief Minister

The Chief Minister is appointed by the Governor, the executive head of the state, who invites the leader of the majority party in the Legislative Assembly to form the government.

However, in practice, the appointment of the Chief Ministers in the states has become more of a game to be played by the Central government through the office of the Governor and other political manoeuvring (more so in the states where none of the parties are able to secure a majority support in

the Legislative Assembly), than the simple constitutional proposition that the Chief Minister shall be appointed by state governments. Such situations are exploited by the Centre in order to either keep the functioning of the state government in accordance with its needs and aspirations, or to destabilize the government to install a new puppet government in the state.

The Constitution says nothing about the qualification of the Chief Minister. Under the Constitution, all that is required is that such a person is a citizen of India and possesses such qualifications, as are required for becoming a member of the Legislative Assembly. Such a person could be a member of either house of the legislature or even an outsider. Although constitutionally a non-legislator does not stand barred from becoming a minister or a Chief Minister, he must, however, become a member of the legislature within 6 months, failing which he is liable to forfeit his office.

What holds good in the appointment of the Chief Minister also holds true in regard to his removal from the office. The Constitution provides that the Chief Minister holds office during the pleasure of the Governor. In practice, the pleasure of the Governor becomes the majority support in the Legislative Assembly under Article 164(2) of the Constitution. However, what happens in practice is that the removal of the Chief Minister is rarely the decision of the Governor. Acting as an agent of the Centre, the Governor 'removes' the Chief Minister at the behest of the Central Government.

Consequently, Article 356 of the Constitution (president's rule in the states), the instrumentality through which the duly elected governments in the states are generally ousted, has become one of the most abhorred articles of the Constitution by the protagonists of the state autonomy in the country.

Powers and Functions of the Chief Minister

The Chief Minister, being the real executive head of the state, enjoys vast powers and functions. They are:

1. He is the working head of the state government and as such, he advises the Governor in matters relating to the selection of his ministers, change in their portfolios and their removal from his government.

2. He presides over the meetings of his Council of Ministers and sees to it that the principle of collective responsibility is maintained. He may, thus, advise a minister to resign from his post or may advise the Governor to dismiss a minister in case he differs from the policy of the Cabinet.

3. He communicates to the Governor such information relating to the administration of the state of affairs and proposals of legislation as he may call for.

4. He furnishes to the Governor such information relating to the administration of the state.

5. He places a matter for the consideration of the Council of Ministers where the Governor requires him to have the decision of the government. He, thus, acts as the sole channel of communication between his ministers and the Governor.

6. Likewise, the Chief Minister is the sole channel of communication between his ministers and the legislature. All bills, resolutions, etc. that are moved in the legislature must have his prior approval. Criticism of his government is answered by him.

7. He may resign any time and then advise the Governor to summon such and such person for the installation of another ministry or to dissolve the House and thereby place the state under President's Rule.

8. Though in theory all appointments are made by the Governor, yet in practice the power of patronage vests with the Chief Minister. He is consulted about the appointment of judges of the state high court. No posting and transfer can take place in the state without his approval. He is consulted in the appointment of State Advocate General and the members of state Public Service Commission.

7.3.3 Local Government

Local government is government at the village and district level. Local governments got a fillip after the 73rd and 74th Constitution Amendment Acts. Later in 1992, the 73rd and 74th constitutional amendments were passed by the Parliament.

The 73rd Amendment is about Rural Local Governments which are also known as Panchayati Raj Institutions and the 74th amendment made the provisions relating to Urban Local Governments, Nagarpalikas.

Local Administration in India

Local administration deals with the powers of the administration. These powers reside with authorities, who provide remedies to the problems at the grass-roots level. The local administration also protects the people when those powers are abused by these authorities.

In a welfare state, many progressive schemes and programmes are launched by government. Their execution and implementation is the responsibility of the local administration.,

Local administration is based upon making decisions regarding the demands of the local people of an area and their implementation at the grass-roots level. Its functions also include sending the advisories to the people at the grass-roots level. S. K. Dey, in his book *Panchayati Raj*, says, 'Modern science calls for an advanced stage of organization and wider coordination of the thinking and action than is feasible in a single village. Whether or not we like it, there will be no room in the wide world of tomorrow for pockets of poverty, ignorance or disease.'

'Infuse in minds of the rural people a spirit of self-help, self-dependency and self-reliance to obtain their goals.'

'Planners viewed the Panchayati Raj as units of administration and planning and the government sought support from these units to help improve the implementation of national plans for development.'

Local participation was seen as an instrument for better implementation of government policies. The five-year plans gave Panchayati Raj a role in performing functions for development and the view that Panchayats were units of folded democracy.

The Panchayati Raj Institutions (PRI) are considered as the grass-roots level bodies serving various civic and developmental activities for the rural people. They are basically grass-root political institutions involved in the upliftment of rural masses in various dimensions. Most of the rural populations are under the grip of poverty, malnutrition, illiteracy and degradation. The enlistment of such destitute rural masses is the main goal of these local bodies.

A number of factors are influencing India's grass-roots politics. These factors are as follows:

- 1 Democratic consciousness: welfare of the masses
- 1 Participation in elections

- 1 Affect of education
- 1 Linkages between panchayat members and police and bureaucrats
- 1 Caste domination
- 1 Land holding
- 1 Loan property
- 1 Wealth
- 1 Groupism, regionalism, nepotism, favouritism and factionalism
- 1 Affiliation of political leaders with different parties
- 1 Socialization and politicization of rural masses

The concept of Panchayati Raj (PR) is unquestionably Indian in origin. PR bodies, which are genuine and effective democratic decentralized institutions, provide simple opportunities for a large number of rural people to take genuine and effective participation in the development and democratic decision-making process and to infuse, in the minds of the rural people, a spirit of self-help, self-dependence and self-reliance in order to obtain their goals. The concept of PR, since its inception, faced various interpretations both from its protagonists and antagonists. On the one hand, the emphasis was on maximum local autonomy and minimization of supervision and control by the higher authorities, especially the state government. On the other hand, some consider it to be ruination for the country. Another controversy relates to the role of political parties in the PRI. The term PR came into usage after the acceptance of recommendations on democratic decentralization of the Balwant Rai Mehta study team. Previously, the terms used were Village Panchayat, which was the self-governing body at the village level. PR implies the creation of local government institution at the village, block and district levels. These bodies play a vital role in rural administration, in the present age, when more and more governments are working for the making of a welfare state. In fact, the powers entrusted to these bodies really make a state democratic. India comprises states and union territories. These states are divided into districts and, in turn, sub-divided into tehsils for administrative convenience. The units of local self-government in rural areas are village panchayat, Panchayat samities and Zila Panchayat (ZP). The V.P. has been linked to the panchayat samiti at the block and to the Z.P. at the district level.

Present panchayati system is a channel for popular participation. Panchayati system is a political administrative arrangement. The system at PR is expected to usher in a democratic setup when once it is established on the lines expected by its promoters. It is PR that has brought about some degree of the social change. Its increasing interest lies in activities such as agriculture, production, education, cooperation and social and economic justice.

Importance of Local Administration

Local administration is important to understand the nature of leadership and communication among the grass-root level people. Who do people vote for? The answer points towards the social elites' behaviour towards masses, in the field of political institution building at grass-root level in a developing nation. According to NES community projects team, instituted for such study in 1957, 'So long as we do not create an express democratic institution which will supply the money upon local objects, conforms with the needs and wishes of the locality, invest it with adequate power and assign to it appropriate finances, we will never be able to evoke local interest and excite local initiative in the field of development.'

Some relevant works also say that 'It is not theory or dogma which is impelling us to make these recommendations, but practical considerations. Democracy has to function through certain executive, but democratic government influences large areas though executive machinery cannot completely appreciate local needs and circumstances. It is, therefore, necessary that there should be a delegation of power and decentralization of machinery and that such power is exercised and such machinery is controlled by popular representatives of the local area.'

73rd and 74th Amendment Acts

The Constitution (73rd Amendment) Act, 1992 added a new Part IX consisting of 16 Articles and the Eleventh Schedule to the Constitution. The 73rd Amendment Act envisages the Gram Sabha as the foundation of the Panchayati Raj System (PRS) to perform functions and powers entrusted to it by the state legislatures. The amendment provides for a three-tier PRS at the village, intermediate and district levels. Small States with population below twenty lacs have been given the opinion not to constitute the Panchayats at the intermediate level. The Act provides that the Panchayat bodies will have an assured duration of five years, with elections mandatory after this period. However, one thing is to be noted that under the Amendment Act, the establishment of Panchayats and the devolution of necessary powers and authority on the PRI are vested in the hands of the State Governments. In view of this, it may be said that the success of the PRI as a unit of democracy and thereby ushering an all-round development of rural areas will much depend on the intention and support of the State Governments. These institutions would be misused by rural rich and the poor and illiterate masses will remain mute supporters as it is happening in Parliamentary and State Assembly elections in the country. Criminalization of politics is threatening the very foundation of democracy. The Government should ensure that these evils should not affect the functioning of PRI.

Gram Sabha: Article, 243A provides that the Gram Sabha may exercise such powers and perform such functions at the village level as the legislature of a state may by law provide. The 73rd amendment thus envisages the Gram Sabha as the foundation of PRS. 'Gram Sabha' means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level.

Constitution of Panchayats : Article 243B visualises a three-tier PRS. It provides that in every State, there shall be constituted Panchayats at the village, intermediate and district levels. Small States having a population not exceeding twenty lacs have been given an option not to constitute the Panchayats at the intermediate level.

Composition of Panchayats : Article 243C provides that, subject to the provisions of this part, the legislature of a State may by law make provisions with respect to the composition of Panchayats. However, the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayats to be filled by election shall, so far as practicable, be the same throughout the State.

All the seats in a Panchayat shall be filled by the persons chosen by direct election from territorial constituencies in the Panchayat area. For this purpose, each Panchayat's area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituencies and the number of seats allotted to it, so far as practicable, be the same throughout the Panchayat area.

The legislature of a state may by law provide for representation of following persons in Panchayats:

(a) The Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or in the case of a State not having Panchayats at the intermediate level and in the Panchayats at the district level.

(b) The Chairpersons of the Panchayats at the intermediate level and in the Panchayats at the district level.

(c) The members of the Lok Sabha and the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at the level other than the village level, in such Panchayats

The Chairpersons of a panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of Panchayat.

The Chairperson of a Panchayat at the village level shall be elected in such a manner as the legislature of a State may by law, provide. The Chairpersons of a Panchayat at the intermediate level or district level shall be elected by, and amongst, elected men.

Disqualification for membership : A person shall be disqualified for being a member of Panchayats:

(a) If he is so disqualified by or under any law for the time being for the purpose of elections to the legislature of the state concerned.

(b) If he is so disqualified by or under any law made by the legislature of the State.

If any question arises as to whether a member of a Panchayat has become subject to any of the qualifications mentioned in clause (1) the questions shall be referred for the decision of such authority and in such manner as the legislature of a State may, by law, Provide clause (2).

Reservation of seats in panchayats: Article 243D provides that in every Panchayat, seats shall be reserved for the SC and STs in that Panchayat area and such seats may be allotted by rotation to different constituencies in a Panchayat.

Out of total number of seats reserved under Clause (1), not less than 1/3 seats shall be reserved for women belonging to the SC and ST (2). Out of total number of seats to be filled by direct election in every Panchayat, not less than 1/3 (including the number of seats reserved for SC and ST women) seats shall be served for women.

Reservation for backward classes : The legislature of a state is empowered under clause (6) to make provision or reservation of seats in any Panchayat or office of chairperson in the Panchayat at any level in favour of backward classes of citizens.

Duration of panchayats: According to Article 243E every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting.

An election to constitute a Panchayat must be completed:

(i) Before the expiry of duration

(ii) Before the expiration of a period of six months from the date of its dissolution. (Clause 3)

Powers, authority and responsibility of panchayat : Article 243G provides that subject to the provisions of this Constitution, the legislature of a state may, by laws, endow the Panchayats with such powers and authority as may be necessary to enable them to function as an institution of self-government. Such conditions as may be specified therein with respect to:

- (a) The preparation of plans for economic development and social justice
- (b) The implementation of schemes for social development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule

The matters listed in the Eleventh schedule are as follows:

(1) Agriculture, including agricultural extension, (2) Land improvement, implementation of land reforms, land consolidation and soil conservation, (3) Minor irrigation, water management and watershed development, (4) Animal husbandry, dairying and poultry, (5) Fisheries, (6) Social forestry and farm forestry, (7) Minor forest produce, (8) Khadi, village and cottage industries, (10) Rural housing, (11) Drinking water, (12) Fuel and fodder, (13) Roads, culverts, bridges, ferries, waterways and other means of communication, (14) Rural electrification including distribution of electricity, (15) Non-conventional energy sources, (16) Poverty alleviation programme, (17) Education, including primary and secondary schools, (18) Technical training and vocational education, (19) Adult and non-formal education, (20) Libraries, (21) Cultural activities, (22) Markets and fairs, (23) Health and sanitation including hospitals, primary health centres and dispensaries, (24) Family welfare, (25) Women and child development, (26) Social welfare, including welfare of the handicapped and mentally retarded, (27) Welfare of the sections, and in particular, of the scheduled Castes and the ST, (28) Public distribution system and (29) Maintenance of community assets.

Power to improve taxes and funds of Panchayats : Article 243H empowers a State legislature to make by law provision for imposing taxes etc. by the Panchayats. Such a law:

- (a) Authorize a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits.
- (b) Assign to panchayat such taxes, duties, tolls and fees levied and collected by the state Government for such proposed and subject to such conditions and limits.
- (c) Provide for making such grants-in-aid to the panchayats from the consolidated fund for the state.
- (d) Provide for Constitution of such funds for crediting all moneys received, on behalf of the panchayats and also for the withdrawal of such money there from.

Finance commission : Article 243 I provides for the establishment of a finance commission for reviewing financial position of the panchayats. The Governor of a state shall within a year from the commencement of the Constitution (73rd Amendment) Act, 1992 and thereafter at the expiration of every fifth year, constitute a finance commission. To make recommendations to the Governor as to:

- (a) The principles which should govern:
 - (i) The distribution between the state and panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the state, which maybe divided between them under this part and the allocation between the panchayats at the all levels of their respective shares of such proceeds ;

- (ii) The determination of the taxes, duties, tolls and fees may be assigned to, or appropriated by, the panchayats ;
- (iii) The grant-in-aid to the panchayats from the consolidated fund of the state; (b) The measures needed to improve the financial position of the panchayats ;
- (c) Any other matter referred to the finance commission by the Governor in the interests of sound finance of the Panchayats.

Audit of accounts of Panchayats : The legislature of a State may, by law, make provision with respect to the maintenance of accounts by the panchayats and the auditing of such accounts (Article 243J).

Elections to the Panchayats : Under Article 243K the superintendence, direction and control of the preparation of electoral rolls and conduct of all elections to the panchayats shall be vested in a state election commission consisting of the state election commissioner to be appointed by the Governor. Subject to the provisions made by the State legislature, the conditions of service and tenure of office of the state election commissioner shall be such as the Government may by rule determine. The state election commissioner shall not be removed from his office except in like manner and on like grounds as a Judge of a High Court. The conditions of service of the state election commissioner shall not be varied to his disadvantage after his appointment (Clause 2 proviso).

The Governor of State shall when so requested by the state election commissioner, make available to commission such staff as may be necessary for the discharge of its duties.

7.4 Centre-State Relations with Reference to Union, State and Local Government

Though India is a federation, the word 'federal' does not appear in its Constitution; The Indian Constitution describes India to be a 'Union of States'. According to Birch, 'A federal system of government is one in which there is a division of powers between one general and several regional authorities, each of which, in its own sphere, is to coordinate with the others, and each of which acts directly on the people through its own administrative agencies'.

Thus, going by the definition of federalism, India has two sets of government: central government and state governments. The Indian Constitution also provides for the division of power between the centre and the states. The Constitution also provides for an independent judiciary in the form of the Supreme Court of India to re-enforce the division of powers as and when it stands violated.

Centre-State Relations in India

A study of the Centre-State relations in the Indian Constitution shows that the Constitution makers gave more powers to the Centre as compared to the state. The logic behind this was that a more potent federalism (i.e., more powerful states) would have weakened the feelings of national unity. The trauma of partition, the problem of integration of princely states and the need for planned economic development for removing backwardness, poverty and food shortage prompted the Constitution-makers to establish a strong centre.

The nature of Centre-State relations emerges from the starting point where formally, and in the wording of the Constitution, India does not designate itself as a federal state, rather a 'Union of States'. The reason is that the Indian federation was not the result of an agreement, and therefore, no state in India had the right to secede. The Constitution of India conceived of the division of the

country into states for the administrative convenience. It sought to achieve a smooth working relationship between the two levels of the Union and the states by tilting heavily in favour of the Union in all fields of legislative, administrative and fiscal relations.

1. Legislative Relations

Articles 245-254 deal with the distribution of legislative powers between the Union and the states. Articles 245-246 provide that the Union Parliament shall have exclusive jurisdiction to make laws for the whole or any part of the territory of India, with regard to all matters included in the Union List. The subjects in the Union List are of national importance and include among its ninety-seven items--defence, foreign affairs, currency.

The states have been empowered to make laws on all matters included in the State List. The State List in its sixty-six entries includes law and order, local government, public health, education and agriculture, etc.

A third list, i.e., a Concurrent List has also been provided in the Constitution. The forty-seven entries in the Concurrent List include the legal system, trade and industry and economic and social planning. Both the centre and the state governments can legislate on the subjects of the concurrent List but in case of conflict between the Union and the state governments, the Union law prevails.

The Constitution also enumerates certain conditions in which the Union Parliament is authorized to make laws on a subject mentioned in the State List. These conditions are as follows:

(i) Under Article 249, if the Rajya Sabha passes a resolution, supported by at least two-thirds of its members, present and voting, declares a particular subject to be of 'national interest' the Parliament becomes competent to make law on the specified state subject, for a period of not more than one year at a time.

(ii) Under Article 250, the Parliament has the power to make laws on state subjects for the whole or any part of the territory of India during the 'operation of a proclamation of Emergency' .

(iii) Under Article 251, the law passed by the Parliament under Articles 249 and 250 prevails in case of its inconsistency or repugnancy with the law made by a state legislature.

(iv) Under Article 252, two or more states may request the Parliament to make laws for them with respect to any state matter. But such law(s) will be applicable to only those states who so desire. Subsequently, other states may also adopt that law by passing resolutions in their legislatures. Such an act can be amended or repealed by the Parliament only and not by the state legislature.

The provisions of this Article have been used by the states to surrender their powers in favour of the Union, e.g., by the states of Andhra, Maharashtra, Orissa and Uttar Pradesh, authorizing the Parliament to enact laws for the control and regulation of prices.

(v) Under Article 253, the Parliament is competent to make laws for the whole or any part of the territory of India to implement India's international treaties, agreements or conventions with any other country or countries. The Parliament is competent to make law for this purpose on any subject, including the state subjects.

(vi) Any bill passed by the State Legislature can be reserved by the Governor of that state for the consent of the President. The President may veto such a law without giving any reason. Thus, in such case, the President's power of veto is absolute. Besides, there are certain matters within the State List and the Concurrent List of which the states must take the previous sanction of the President

before making laws on them

(vii) The states comprising in the Union of India have been named in the First Schedule, yet the Constitution empowers the Parliament to admit new states to the Union or establish a new state. The Parliament can increase or decrease the areas of a state, change its name, alter its boundaries, or cause a state to completely disappear by merger or integration with adjoining states.

2. Administrative Relations

In the field of administration, the Centre has still more powers than it possesses in the field of legislation. Normally, the administrative powers of the Centre correspond to the matters over which it has power to make law. This is provided for under the Articles 73 and 162. The Union Government can administer over states:

(i) According to Article 256, the executive power of every state is to be exercised in such a way as to ensure compliance with the laws made by Parliament.

(ii) Under Article 257, the Union Executive is empowered to give such directions to a state as may appear to the Government of India to be necessary for the purpose. Not satisfied with the general power of the Union to give directions to the states, the Constitution goes a step further and calls upon every state not to impede or prejudice the executive power of the Union in the State. The Union's powers of giving directions include certain specific matters such as: (a) the construction and maintenance of means of communication which are of national or military importance, and (b) the protection of railways within the states.

(iii) Article 258 empowers the Union government to entrust to the state, conditionally or unconditionally, any additional functions relating to any matter to which the executive power of the Union extends. In other words, the states can be asked to exercise the executive powers of the Union. In such a case, the Union shall pay the state officials extra costs which they incur in exercising these additional functions.

(iv) The presence of all-India services like the Indian Administrative Service and the Indian Police Service; further makes the authority of the Central Government dominant over the states. The members of these All India Services are appointed by the President of India on the basis of a competitive examination held by the Union Public Service Commission. These services serve both the Centre and the States. The creation of these services is not strictly federal, for the states have no say in this matter.

(v) Articles 352-360 contain the emergency provisions which empower the President in effect to suspend the Constitution and to takeover the administration of a state or states of the Indian Union if he is satisfied that there is a threat to the security of the nation, or a breakdown in the constitutional machinery of a state, or a financial emergency.

(vi) Governors to the states are appointed by the President on the recommendations of the Central Government.

(vii) Article 339(2) expressly extends the executive power of the Union to give directions to a state with regard to the drawing up and execution of schemes specified in the direction, to be essential for the welfare of the scheduled tribes in the state.

Machinery for Inter-State Relations

The emphasis in the Constitution is on administrative cooperation and hence provisions are made for it.

- 1 The Constitution has an important provision embodied in Article 262 dealing with the waters of inter-state rivers and river valleys. Thus, under this Article, Parliament may establish an inter-state agency to adjudicate disputes and complaints with regard to the use, distribution or control of waters of inter-state rivers or river-valleys. An inter-state council has been established by the President on a permanent basis.
- 1 Article 263 provides for the establishment of another inter-state Council to enquire into, and to advise upon the disputes between the Centre and the States, or amongst the states themselves.
- 1 Besides, there is a framework of voluntary cooperation at administrative level for resolving problems that may arise between the Centre and the state. The Constitution provides for inter-state delegation of functions, which makes operation of Indian federalism adequately flexible. Thus, where it is inconvenient for one government to carry out its administrative functions directly, it may have those functions executed through the other state governments.
- 1 The States Reorganization Act of 1956 grouped the states into five zonal Councils. They do not constitute a layer of Government between the Centre and the states; they are advisory bodies. The zonal Council consists of the Union Home Minister, who is the Chairman and the Chief Ministers in the Zone. The idea was to provide a forum where the states could discuss and resolve inter-state disputes.

3. Financial Relations

The financial relations between the Centre and the States are regulated according to the provisions of Part XII of the Constitution. The Union and the State Lists also refer to the financial jurisdiction of the Centre and the state. The financial relations are, however, not a matter of concurrent jurisdiction.

a. Taxing powers of the Centre and the States

By and large, taxes that have an inter-state base are levied by the Centre and those with a local base by the states.

Articles 269-272 and entries 83-88 of the Union List deal with the taxes levied and collected by the Union. These taxes fall under five categories:

(i) Taxes levied by the Union but collected and appropriated by the State, e.g. stamp duties, duties of excise on medicinal and toilet preparations, etc.

(ii) Taxes levied and collected by the Centre and compulsorily distributed between the Union and the State, e.g., taxes on income other than the agriculture.

(iii) Taxes levied and collected by the Centre but assigned to the state, e.g.; taxes on railway fares and freight, estate duties, etc.

(iv) Taxes levied and collected by the Centre may be distributed between the Union and the states, if Parliament by law so provides, e.g., Union excise duties, etc.

(v) Taxes levied and collected and retained by the Centre, e.g., customs, corporation tax, surcharge on income-tax, etc.

The State List contains nineteen items, e.g. land revenue, liquor and opium excise, stamps, taxes on land and buildings, taxes on vehicles, etc. Every state is entitled to levy, collect and appropriate

these taxes.

b. Grants-in-aid

A remarkable feature of the Constitution is the provision of three types of grants-in-aid by the Centre to the states:

(i) Article 275 makes specific provisions for grants-in-aid given to the states which are in need of assistance, particularly for the implementation of their development schemes.

(ii) Grants-in-aid under Article 282 may be made for any public purpose.

(iii) Grants under Article 273 are given to the States of Assam, Bihar, Orissa and West Bengal in lieu of the export of jute and jute products.

c. Consolidated fund

Under Article 266, a Consolidated Fund for the Central Government and a separate Consolidated Fund for each of the states have been created. In these funds fall all revenue receipts, loans raised and money received in repayment of loans made by the government.

The purpose of creating these funds was to ensure that no appropriation can be made from these funds without the authority of the law so that the salaries and other allowances of the President, the Union ministers, judges of the Supreme Court and High Courts, etc., could regularly be paid without being a notable item of the budget.

d. Contingency fund

Article 267 provides for the establishment of a Contingency fund of India, and similar contingency fund for each of the states, so that the advances may be made to the Centre and the state respectively for meeting unforeseen expenditure, pending the legislative authorization.

e. The Finance Commission of India

Article 264 provides for the creation of a Finance Commission of India, and Articles 280 and 281 deal with its composition, powers and functions. The members of the Finance Commission shall be appointed by the President. The Commission makes recommendations on the distribution of shared and shareable taxes and other assignments between the Centre and the states, or among the states themselves.

f. Planning Commission

The Planning Commission was established in 1949 by a resolution of the Cabinet with a purpose to suggest measures for augmenting the resources of the country, their effective and balanced utilization, determining the priorities, stages, progress and machinery of planning in the country. It is an extra-constitutional agency, which fulfils the role of an advisory technical body in the field of planning. It is responsible for formulating Five- Year Plans for national development. The plans finalized by the commission are discussed and finally approved by the National Development Council.

g. National Development Council (NDC)

The NDC was constituted in August 1952. It is the highest reviewing and advisory body in the field of planning. The members of the Council are the Prime Minister, Chief Ministers of all the states,

the members of the Planning Commission and since 1967, all the Union cabinet ministers. The NDC is a forum where the Central government interacts with the state governments. Its purpose is to bring about cooperation between the Central, state and the local governments in the huge task of development. The five-year plans become operational only after they have been approved by it.

7.5 Summary :

In this unit, you have learnt that:

1. Democracy is derived from two Greek words *demos* and *kratia*. *Demos* means people and *kratia* means power or rule. Therefore, democracy means the power or rule of the people.

2. Democracy is not a way of governing, whether, by majority or otherwise, but primarily, a way of determining who shall govern and broadly to what ends. Democracy is not a one way traffic. It implies responsibilities both on the part of the ruler and ruled. It is based on the cooperation of both.

3. Certain conditions are necessary for democracy to be successful. Aristotle pointed out to the economic basis of politics. Politics cannot succeed unless people are economically sound and there is no great gulf between the rich and poor. Sometimes, it tends towards dictatorship.

4. The Government of India (GoI), officially known as the Union Government or Central Government, was established by the Constitution of India, and is the governing authority of the union of 29 states and seven union territories, collectively called the Republic of India.

5. Under the Constitution of India, the office of the President of India is virtually analogous to that of the British monarchy in keeping with the spirit of the parliamentary executive. Being the ceremonial head of state, the office of the President is an exalted one, with enormous prestige, authority, grace, dignity, respect and adoration, but very less activism.

6. The Constitution of India provides for various conditions of his office. Though any Indian who is thirty-five years of age is eligible to be elected to the Lok Sabha and is entitled to contest for the office of the President; in reality, only persons with either exceptional qualities and stature or having the blessings of the leader of majority party in parliament have been elected to the President's office.

7. In the parliamentary system of the Government in India, the Prime Minister (PM) is the real executive in contrast to the ceremonial position of the President of India. The office of the PM is a prominent one as it has attained immense power and authority in the Indian political system. But the executive system is not a one-man show.

8. The Constitution of India vests executive powers of the Union in the hands of the Prime Minister and his team. But the propriety of the post and the role of the PM in the Indian polity is much more widespread and demanding, than what has been defined in the Constitution. The group is, at least, dominant, if not absolute. Not only this, assertive personalities at times have added more power to the position.

9. The makers of the Indian Constitution intended that though formally all executive powers were vested in the President, he or she should act as the Constitutional head of the Union Executive like the British Crown, acting on the advice of ministers responsible to the Lok Sabha. Thus, the Council of Ministers of the Executive consisting the top leadership of the governing party or parties and assured support of the majority in the Parliament is the seat of authority and source of all decisions of the Executive.

10. State Executive consists of Governor and Council of Ministers with Chief Minister as its head. The Governor of a State is appointed by the President for a term of five years and holds office during his pleasure. Only Indian citizens above 35 years of age are eligible for appointment to this office. Executive power of the State is vested in Governor.

11. Taking the analogy of the parliamentary system of governance at the state level, the Constitution provides for the office of the Chief Minister to be the real executive of the state. He symbolizes ruling power structure and wields more authority than anybody else in the state.

12. Local government is government at the village and district level. Local governments got a fillip after the 73rd and 74th Constitution Amendment Acts. Later in 1992, the 73rd and 74th constitutional amendments were passed by the Parliament.

7.6 Questions and Exercises :

1. Discuss the characteristics and safeguards of democracy.
2. 'In the parliamentary system of the Government in India, the Prime Minister (PM) is the real executive in contrast to the ceremonial position of the President of India.' Discuss.
3. State the powers and functions of the council of ministers.
4. Discuss in detail the process of appointment of the chief minister and the powers and functions of the chief ministers.
5. Analyse the concept of local administration in India.
6. 'The 73rd Amendment Act envisages the Gram Sabha as the foundation of the Panchayati Raj System (PRS) to perform functions and powers entrusted to it by the state legislatures.' Discuss.

7.7 Suggested Readings :

- | | |
|--------------------------|---|
| 1. Johari, J.C. 1974. | Indian Government and Politics. Vishal Publications. New Delhi: |
| 2. Desai, A. R. 1976. | Social Background of Indian Nationalism_ Popular Prakashan. Mumbai: |
| 3. Kothari, Rajni. 1972. | Politics in India. Orient Longman Pvt. Ltd. New Delhi: |
| 4. Bombwall, K.R. 1965. | Indian Government and Politics Since 1885. 2nd edition, Modern Publishers. Ambala Cantt.: |
| 5. Singh, G.N. 1967. | Landmarks in Indian Constitution and National Movement. Atma Ram and Sons. New Delhi: |

L L L