

U24MC102 INDIAN CONSTITUTION

UNIT 4 - STATE GOVERNMENT AND FEDERALISM

What is a State Government?

- The State Government is the governing authority of each of India's 28 states and 8 union territories.
- It manages local administration, law and order, and development within the state.
- It works independently but within the framework of the Indian Constitution.

Structure of the State Government

Like the Union Government, the State Government has three branches:

a) Executive

- Governor: The ceremonial head appointed by the President.
- Chief Minister: The real head of the state government, leader of the majority party.
- Council of Ministers: Assists the Chief Minister in governance.

b) Legislature

- Most states have a unicameral legislature called the Legislative Assembly (Vidhan Sabha).
- Some states also have a Legislative Council (Vidhan Parishad) — a second house.
- Members are elected by people or nominated.

c) Judiciary

- High Courts: The highest judicial body at the state level.
- Handles interpretation of laws and settles disputes within the state.

Powers of the State Government

- Maintains law and order (police, public safety).
- Responsible for health, education, agriculture, and local governance.
- Manages state finance and taxes (sales tax, state excise, etc.).
- Makes laws on subjects in the State List of the Constitution.

What is Federalism?

- Federalism is a system of government where power is divided between a central authority and regional/state governments.
- India is a federal country with a strong central government, but states have significant powers.

Features of Indian Federalism

- Division of Powers: The Constitution divides powers between the Centre and states through three lists:
 - Union List: Only Centre can legislate.
 - State List: Only states can legislate.
 - Concurrent List: Both can legislate.
- Dual Polity: Both Centre and States have their own governments, legislatures, and courts.
- Independent Judiciary: The Supreme Court resolves disputes between Centre and States.
- Financial Relations: Centre collects most taxes and shares revenue with states.
- Flexibility: The Centre can intervene during emergencies.

Importance of Federalism in India

- Manages a diverse country with many languages, cultures, and regions.
- Allows local self-government and decision-making.
- Ensures unity while respecting diversity.
- Balances power sharing to prevent domination by the Centre or any state.

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Summary Table

Aspect	Union Government	State Government
Head of State	President	Governor
Head of Government	Prime Minister	Chief Minister
Legislature	Parliament (Lok Sabha + Rajya Sabha)	Legislative Assembly (+ Legislative Council in some states)
Judiciary	Supreme Court	High Courts
Powers	Defence, foreign affairs, currency, etc.	Police, public health, agriculture, etc.

Composition of State Legislature

- Most states have a unicameral legislature called the Legislative Assembly (Vidhan Sabha).
- Some states have a bicameral legislature, with a second house called the Legislative Council (Vidhan Parishad).
- Legislative Assembly (Vidhan Sabha):
 - Members are directly elected by the people of the state.
 - Term is usually 5 years, unless dissolved sooner.
 - Responsible for making laws on state subjects.
- Legislative Council (Vidhan Parishad):
 - Members are partly elected by local bodies, graduates, teachers, and nominated by the Governor.
 - It is a permanent house with one-third members retiring every 2 years.
 - Exists only in some states (e.g., Uttar Pradesh, Maharashtra).

Powers and Functions of the State Legislature

- Law-making: Make laws on subjects in the State List and Concurrent List.
- Financial powers: Approve the state budget and control taxation and expenditure.
- Control over Executive: Hold the Council of Ministers accountable; can pass a no-confidence motion.
- Electoral powers: Participate in the election of the President and Vice President.
- Amendments: Can pass resolutions to request amendments related to state matters.

Position and Functions of the Governor

- The Governor is the constitutional head of the state, appointed by the President of India.
- Acts as the representative of the President in the state.
- Functions:
 - Executive powers: Appoints the Chief Minister, other ministers, and key officials.
 - Legislative powers: Summons, prorogues, and dissolves the state legislature.
 - Gives assent to bills passed by the state legislature or can withhold assent or return the bill for reconsideration.
 - Can reserve certain bills for the President's consideration.
 - Has discretionary powers during a hung assembly or constitutional crisis.
 - Can recommend President's Rule if the state government fails.

Functions of the Chief Minister

- The Chief Minister (CM) is the real executive head of the state government.
- Leader of the majority party in the Legislative Assembly.
- Responsibilities include:

- Forming the Council of Ministers.
- Advising the Governor on administration and lawmaking.
- Implementing laws passed by the state legislature.
- Maintaining law and order, development, and welfare activities.
- Representing the state in relations with the Union government.

Council of Ministers

- The Council of Ministers is headed by the Chief Minister.
- Includes ministers with various portfolios (departments).
- Collective responsibility to the Legislative Assembly.
- Assists the Governor and CM in decision-making and administration.
- Responsible for formulating and implementing policies.

The Indian Federal System

- India has a quasi-federal system: division of powers between the Union (central) and states.
- Powers are distributed through three lists in the Seventh Schedule of the Constitution:
 - Union List: Subjects only Parliament can legislate on.
 - State List: Subjects only state legislatures can legislate on.
 - Concurrent List: Subjects both can legislate on.
- The Union government has more power, especially during emergencies.
- Features include dual government, independent judiciary, and financial relations.

Administrative Relationship Between Union and States

- Union and states cooperate in administration.
- All-India Services like IAS, IPS officers serve both Union and state governments.
- The Union government can give directions to states on policy matters.
- The Union can deploy funds to states through grants and loans.
- During emergencies, the Union can take direct control of state administration (President’s Rule).
- States have autonomy but function within the framework of the Indian Constitution and the Union government’s supremacy.