



# UGC-NET

## Political Science

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## VII UNIT

# Political Institutions in India

### **State Government**

#### **The Second Lok Sabha (1957–1962)**

- In this Assembly, the number of members was reduced from 190 to 176.
- The number of constituencies was 136, which means it followed the multi-member constituency system.
- Out of these, 14 constituencies elected 2 members each.
- This Assembly held the highest number of sittings in history—306 in total.
- **Five members were elected unopposed, namely:**
  1. Damodar Lal Vyas
  2. Harikishan
  3. Channa Lal Harit
  4. Bhikha Bhai
  5. Chunni Lal

#### **The Third Legislative Assembly (1962–1967)**

- The total membership was 176.
- Of these, 27 seats were reserved for Scheduled Castes (SCs) and 19 seats for Scheduled Tribes (STs).
- One member was elected unopposed: Bharatlal.
- During this Assembly, Mohanlal Sukhadia became Chief Minister for the third time.

#### **The Fourth Legislative Assembly (1967–1972)**

- For the first time, no single party obtained an absolute majority in the Assembly, leading to the imposition of President's Rule.
- The strength of the Assembly was increased to 184 members.
- President's Rule was imposed by Governor Sampurnanand.
- The system of Parliamentary Secretaries was introduced during this period, and they were given the rank of Minister of State.
- Mohanlal Sukhadia became Chief Minister for the fourth time, but he was later replaced by Barkatullah Khan as Chief Minister.

#### **The Fifth Legislative Assembly (1972–1977)**

- The first Chief Minister was Barkatullah Khan, but he passed away while in office.
- This was the longest-serving Assembly in Rajasthan's history.
- Its tenure was extended beyond 1972 due to the Emergency (1975–1977).
- Dinesh Dangi was elected unopposed during this Assembly.
- So far, a total of 14 members have been elected unopposed in Rajasthan's Assembly history, and Dinesh Dangi was the last one.
- This Assembly also recorded the highest number of Assembly sessions—13 in total.

#### **Sixth Legislative Assembly (1977–1980)**

- For the first time, elections were held for 200 Assembly seats.
- Under the leadership of Bhairon Singh Shekhawat, a non-Congress government was formed for the first time in Rajasthan.

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- President's Rule was imposed for the third time, and the Assembly was dissolved before completing its 5-year term.
  - Governor Raghubir Lal dissolved the Assembly.
  - This Assembly witnessed the least number of sessions—only 6.
  - Before this Assembly, when Bhairon Singh Shekhawat first became Chief Minister, he was a Rajya Sabha member from Madhya Pradesh (representing Kota-Baran), not a member of the Rajasthan Assembly.

### **Seventh Legislative Assembly (1980–1985)**

- After the elections, Jagannath Pahadia became Chief Minister.
- Later, Shiv Charan Mathur succeeded him as Chief Minister.
- Due to the Deeg incident (1985), Shiv Charan Mathur was forced to resign.
- He was replaced by Hiralal Devpura, who served as CM for only 16 days.
- Notably, Jagannath Pahadia was not a member of the Legislative Assembly when he became CM.

### **Eighth Legislative Assembly (1985–1990)**

- From 1985 to 1988, Haridev Joshi served his second term as Chief Minister.
- In 1988–1989, Shiv Charan Mathur became Chief Minister for the second time.
- In 1989–1990, after defeating 20 MLAs, Haridev Joshi returned for his third term as Chief Minister.
- During this period, Haridev Joshi was not a member of the Legislative Assembly; he was serving as the Governor of Assam.

### **Ninth Legislative Assembly (1990–1992)**

- Party positions: BJP – 84 seats, Janata Dal – 54 seats, Congress – 50 seats.
- As BJP did not secure an absolute majority, it formed a coalition government with Janata Dal.
- Governor M. Channa Reddy recommended the imposition of President's Rule, and the Assembly was dissolved on 15 December 1992.
- This Assembly recorded the lowest number of sittings—95.
- For the first time in Rajasthan, a vote of confidence (Trust Motion) was brought by Bhairon Singh Shekhawat, and it was passed.

### **Tenth Legislative Assembly (1993–1998)**

- Bhairon Singh Shekhawat became Chief Minister for the third time.
- This Assembly completed its full five-year term.
- The 1993 Assembly elections were Rajasthan's last mid-term elections.
- Supportlal Meena (ST) and Tara Bhandari (first woman) became Deputy Speakers.
- Tara Bhandari remains the only woman Deputy Speaker in Rajasthan's history.

### **Eleventh Legislative Assembly (1998–2003)**

- Marked the beginning of a two-party system (BJP vs. Congress) in Rajasthan politics.
- Ashok Gehlot became Chief Minister for the first time.
- The system of two Deputy Chief Ministers was introduced:
  - Kamla Beniwal
  - Banwari Lal Bairwa
- During this term, Rajasthan faced three consecutive years of drought, and Gehlot's effective management of drought relief work earned him the reputation of being a capable Chief Minister.

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### **Twelfth Legislative Assembly (2003–2008)**

- Vasundhara Raje became the first woman Chief Minister of Rajasthan.
- For the first time, all three key constitutional positions—Governor, Chief Minister, and Speaker—were held by women.
- Sumitra Singh was the Speaker of the Assembly, and remains the only woman Speaker in Rajasthan's history.
- The Assembly had 28 women MLAs.
- The BJP won the highest number of seats—120.
- In the 2003 Assembly elections, Electronic Voting Machines (EVMs) were used across Rajasthan for the first time.

### **Thirteenth Legislative Assembly (2008–2013)**

- Vasundhara Raje became the Leader of Opposition, the only woman to have ever held this position in Rajasthan.
- Ashok Gehlot became Chief Minister and successfully won a vote of confidence in the Assembly.
- Devi Singh Bhati served as the Pro-tem Speaker.

### **Fourteenth Legislative Assembly (2013–2018)**

- Vasundhara Raje returned as Chief Minister with the largest majority in Rajasthan's history—163 seats.
- The Assembly had 28 women MLAs, the highest number ever elected so far.
- Kailash Meghwal became the Speaker, making history as the first Dalit Speaker of Rajasthan.
- Rameshwar Dudi served as the Leader of Opposition.
- Pradyumn Singh was the Pro-tem Speaker.

### **Fifteenth Legislative Assembly (2018–2023)**

- Elections were held for 199 seats.
- The Indian National Congress (INC) secured a majority.
- Ashok Gehlot became the Chief Minister, and Sachin Pilot became the Deputy Chief Minister.
- Voter Turnout: 74.69%
- Highest polling: Jaisalmer – 84.66%
- Lowest polling: Pali – 64.14%

### **Sixteenth Legislative Assembly (2023–present)**

- Bhartiya Adivasi Party (BAP) was founded by Mohan Lal Roat and contested for the first time.
- Election Notification: 30 October 2023
- Polling Date: 25 November 2023
- Seats: Elections held for 199 seats (Karanpur constituency notification was withheld).
- **Results Announced:** 3 December 2023.

Party	Seats Won
BJP	115
INC	69+1=70
BAP	03
BSP	02
RLD	01
RLP	01

- **Council of Ministers took oath:** December 30, 2023

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- **First sitting (meeting) of the Assembly:** December 20, 2023
    - ✓ **Pro-tem Speaker:** Kalicharan Saraf presided over the proceedings.
  - **Speaker Election:** On 21 December 2023, Vasudev Devnani was elected as the Speaker of the Assembly.
  - **Voter Turnout:** 75.45% (an increase of 0.73% compared to the Fifteenth Assembly).
  - **Highest turnout:** Kushalgarh (Banswara) – 88.13%
  - **Lowest turnout:** Ahore (Jalore) – 61.24%
  - **At one polling station in Barmer,** there was 100% voting, as the booth had only 35 registered voters.
  - **Women Representation:** 20 women were elected, accounting for 10% of the total seats.
    - ✓ 10- Bharatiya Janata Party (BJP)
    - ✓ 9 – Indian National Congress (INC)
    - ✓ 1 – Independent
  - **Youngest MLA:** Ravindra Bhati (26 years).
  - **Oldest MLAs:** Harimohan Sharma and Dipendra Khairwa.
  - **Winner with the highest margin of votes:** Diya Kumari (71,368 votes).
  - **Winner with the lowest margin of votes:** Hansraj Patel (321 votes).
  - **Public Accounts Committee (PAC)** – Tikaram Juli
  - **Committee on Public Undertakings** – Kalicharan Saraf
  - **Estimates Committee (A)** – Arjunlal Jeengar
  - **Estimates Committee (B)** – Shreechand Kriplani
  - In this Assembly, the Governor's address did not take place in the very first sitting, which had been a constitutional convention.
  - At present, 6 seats are vacant.

## **Articles Related to State Legislature**

- Article 168 – Definition of the State Legislature.
- Article 169 – Provision for the creation or abolition of a Legislative Council in a state.
- Article 170 – Composition of the Legislative Assembly.
- Article 171 – Composition of the Legislative Council.
- Article 172 – Duration/tenure of State Legislatures (normally 5 years; extendable during Emergency).
- Article 173 – Qualifications for membership of the State Legislature.
- Article 174 – Provisions regarding summoning, prorogation, and dissolution of the State Legislature
- Article 175 – Power of the Governor to address either House of the Legislature and send messages.
- Article 176 – Special Address by the Governor at the commencement of the first session after a general election and at the start of each year.
- Article 177 – Rights of Ministers and the Advocate-General in the Legislature.
- Article 178 – Provision for the Speaker and Deputy Speaker of the Legislative Assembly.
- Article 179 – Resignation and removal of Speaker and Deputy Speaker of the Legislative Assembly.
- Article 180 – Deputy Speaker to act as Speaker when the Speaker is absent.
- Article 181 – Speaker shall not preside while a resolution for his removal is under consideration (Deputy Speaker presides in such case).
- Article 182 – Provision for Chairman and Deputy Chairman of the Legislative Council.
- Article 183 – Resignation and removal of the Chairman and Deputy Chairman of the Legislative Council.
- Article 184 – Powers of the person acting as Chairman or Deputy Chairman of the Legislative Council.



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- Article 185 – Chairman or Deputy Chairman shall not preside while a resolution for their removal is under consideration.
  - Article 186 – Salaries and allowances of Speaker, Deputy Speaker of Legislative Assembly, and Chairman, Deputy Chairman of Legislative Council.
  - Article 187 – Each State Legislature shall have a separate Secretariat.
    - ✓ In the Legislative Assembly Secretariat, there is a Secretary, who is permanently appointed by the Speaker of the Assembly.
    - ✓ At the Union level, however, the Secretaries-General of the Lok Sabha and Rajya Sabha are usually drawn from the Indian Administrative Service (IAS) cadre.
  - Article 188 – Oath or affirmation by members of the State Legislature (as per the Third Schedule).
  - Article 189 – Provision for determining quorum in a meeting of the State Legislature and for voting/decision-making in the House.
  - Article 190 – If a seat of a State Legislature becomes vacant before the expiry of its term, a by-election must be held within six months.
  - Article 191 – Disqualifications for membership of the State Legislature.
  - Article 192 – Decision on questions relating to disqualification of members of the State Legislature shall be made by the Governor, based on the opinion of the Election Commission.
  - Article 193 – No member shall sit or vote in the Legislature of a State until he has made the oath or affirmation. If a member does so without taking the oath, the Speaker has the authority to impose a penalty.
  - Article 194 – Provides for the powers, privileges, and immunities of the members of the State Legislature. (This is parallel to Article 105, which applies to Parliament.)
  - Article 195 – Relates to the salaries and allowances of members of the State Legislature.
    - ✓ The salaries and allowances of the members are determined by the Legislative Assembly from time to time, and these are charged upon the Consolidated Fund of the State.
  - Article 196 – Provisions regarding the introduction and passing of Bills in the State Legislature.
  - Article 197 – Powers of the Legislative Council in ordinary legislation (in states with a bicameral legislature).
  - Article 198 – Procedure for State Money Bills (Finance Bills).
  - Article 199 – Definition of a Money Bill in the context of State Legislatures.
  - Article 200 – When an ordinary bill is passed by the Legislative Assembly, it is presented to the Governor.
  - The Governor may give assent, withhold assent, return it for reconsideration, or reserve it for the President's consideration.
  - Article 201 – When a Bill is reserved by the Governor, the President considers it. The President may give assent, withhold assent, or keep it pending indefinitely (pocket veto).
  - Article 202 – Annual Financial Statement (State Budget) – Presentation of the statement of estimated receipts and expenditure before the State Legislature.
    - ✓ In the State Legislature, the Finance Minister will present a statement of annual income and expenditure.
  - **Article 203 – Presenting the budget estimate in the State Assembly.**
  - **Article 204 – Reference to the Appropriation Bill.**
    - ✓ After the approval of budget grant demands, the demand to spend from the approved amount is called the Appropriation Bill.
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- **Article 205 – Supplementary Demand.**
    - ✓ Requesting funds until the budget is passed, or in case the main budget is delayed or the approved amount is spent before the scheduled time.
  - **Article 206 – Accounts, Audit, and Special Grants.**
    - ✓ Voting on Supplementary Demands
  - **Article 207 – Special provisions relating to financial bills**

## **High Court**

- India has a single judiciary, but from the perspective of hierarchical levels, the Constitution has divided the judiciary into three parts:
  - ✓ **National Level: Supreme Court**
  - ✓ **State Level: High Court**
  - ✓ **District Level: Subordinate Courts**
- **The concept of a single judiciary means that the decision of each court is not limited to its own jurisdiction but applies to the entire territory of India.**
- During the British period, the first three High Courts were established in 1862 at Calcutta, Bombay, and Madras.
- In 1866, the Allahabad High Court was established.
- At the time of India's independence in 1947, the total number of High Courts was 11.
- Part VI (Articles 214–231) of the Indian Constitution deals with High Courts.
- Article 214 – There shall be a High Court for each state.
  - ✓ **The 7th Amendment (1956) provided that a single High Court can serve two or more states jointly.**
- **Currently, there are 7 common High Courts.**
  1. Bombay High Court: Maharashtra, Goa, Dadra & Nagar Haveli, Daman & Diu
  2. Madras High Court: Tamil Nadu, Puducherry
  3. Guwahati High Court: Nagaland, Assam, Mizoram, Arunachal Pradesh (geographically the largest)
  4. Jammu & Kashmir High Court: Jammu & Kashmir, Ladakh
  5. Kerala High Court: Kerala, Lakshadweep
  6. Calcutta High Court: West Bengal, Andaman & Nicobar Islands
  7. Chandigarh High Court: Haryana, Punjab, Chandigarh
- Meghalaya, Manipur, and Tripura were earlier under the Guwahati High Court, but currently, each has its own separate High Court.
- The 25th High Court was established in 2019 at Amaravati (Andhra Pradesh).
- The constitution of a High Court is done by Parliament from time to time.
- Parliament can also extend the jurisdiction of any High Court.
- Delhi and Jammu & Kashmir have High Courts only for Union Territories.
- **Article 217 – Deals with the appointment of judges in the High Court.**
  - ✓ Consultation with Governors:
  - ✓ While appointing High Court judges, the President consults the Governor of the respective state.
  - ✓ If a High Court has jurisdiction over two or more states, the President consults all the concerned Governors.
  - ✓ Consultation with Chief Justice:
  - ✓ The President also consults the Chief Justice of the High Court being appointed. This is explicitly mentioned in the Constitution.

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- ✓ Collegium System (Post-1993):
  - ✓ Following a 1993 judicial decision, the President began consulting the Chief Justice of India and three senior Supreme Court judges before making appointments.
  - ✓ This procedure is known as the Collegium System, which plays a key role in judicial appointments and transfers in India.
  - In 1998, the number of members in the collegium increased to five, which continues to this day.
  - The collegium is mentioned neither in the Constitution nor in any parliamentary act. It originated through judicial decisions.
  - The 99th Constitutional Amendment in 2014 attempted to abolish the collegium system and established a six-member Judicial Appointments Commission to advise the President on judicial appointments.
  - However, in 2015, a Constitution Bench declared this commission unconstitutional.
  - As a result, the collegium system was reinstated.
    - ✓ Decisions of the High Court will be used as evidence by subordinate courts.
    - ✓ By “court records,” it is meant that subordinate courts will not deliver any decision that contradicts the rulings of the High Court.
  - **Article 216 – Constitution of High Court:**
    - ✓ It is constituted by the Parliament, and its jurisdiction is also determined by the Parliament.
  - **Article 217 – Appointment and Qualifications of Judges**
    - ✓ There are only two qualifications to become a High Court judge:
      1. Must be a citizen of India
      2. Must have either served as a judge in any judicial position for 10 years or practiced as an advocate in one or more High Courts for 10 years
  - **Article 218 – Application of Provisions of Supreme Court and High Courts**
  - **Article 219 – Oath:**
    - ✓ The Governor of the respective state administers the oath.
    - ✓ The oath is mentioned in the Third Schedule of the Constitution.
    - ✓ When a judge is transferred, they do not need to take the oath again.
  - **Article 220 – After serving as a High Court judge, one cannot practice as an advocate.**
  - This provision is made to maintain the independence of the judiciary.
    - ✓ The Parliament determines the salaries and allowances from time to time, which are charged on the consolidated fund of the state.
    - ✓ In the case of a common High Court, the President decides how much salary will be paid from each state.
    - ✓ To maintain the independence of the judiciary, no reduction can be made in their salaries and allowances except during a financial emergency.
  - **Article 222 – The President, in consultation with the Supreme Court, can transfer a High Court judge from one High Court to another.**
    - ✓ Currently, the President transfers judges based on the recommendation of the collegium, even though the collegium is not mentioned in the Constitution.
    - ✓ For example, the transfer of Justice CS Karnan was highly controversial. He accused the collegium of making transfers based on caste and corruption.
    - ✓ As a result, the Supreme Court held him guilty of contempt of court and sentenced him to six months' imprisonment.
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- **Article 223 – Appointment of Acting Chief Justice**
    - ✓ When the post of Chief Justice in a High Court becomes vacant, the President appoints an Acting Chief Justice, who is called the Executive Chief Justice.
    - ✓ There is no provision for appointing temporary judges in High Courts (unlike in the Supreme Court, where it is done to complete the quorum).
  - **Article 224 – Provision for Appointment of Additional/Temporary Judges**
    - ✓ A judge of a subordinate court who is qualified to become a High Court judge can be appointed as an Acting Judge of the High Court for two years with the prior approval of the President.
    - ✓ During this period, the judge receives the salary and allowances of a High Court judge.
    - ✓ This period cannot be extended beyond two years.
  - **Article 225 – Jurisdiction**
    - ✓ For example, if an incident occurs in Rajasthan, the jurisdiction will lie with the Rajasthan High Court, regardless of the citizenship of the person involved.
  - **Article 226 – High Court can issue Writs**
    - ✓ The Constitution mentions five writs, but in practice, High Courts have also started issuing petitions called interim relief (injunctions).
    - ✓ The writs are: Habeas Corpus – Protection of personal liberty
    - ✓ Mandamus – Command to perform a duty
    - ✓ Prohibition – Stop lower courts from exceeding jurisdiction
    - ✓ Certiorari – Quash orders of lower courts
    - ✓ QuoWarranto – Question the authority of a person holding office
    - ✓ Interim Relief – Temporary relief granted by the court
    - ✓ Since High Courts can issue six types of petitions, their jurisdiction is considered broader.
    - ✓ High Courts can issue writs for both fundamental rights and legal rights, whereas the Supreme Court issues writs only for fundamental rights.
  - **According to Article 226(A), a writ cannot be issued against a parliamentary law, meaning the validity of a parliamentary enactment cannot be challenged through a writ.**
    - ✓ Instead, a separate Constitution Bench of the Supreme Court is constituted to decide on such matters.
  - **Article 227 – Superintendence and Control over Subordinate Courts by High Court**
    - ✓ Article 233 states that the Governor of a state shall appoint judges of subordinate courts in consultation with the High Court.
  - **Article 228 – A High Court can call for a case from a subordinate court and decide it, or give directions to return it to the subordinate court.**
  - **Article 229 – Recruitment of staff and servants of High Courts is done by the High Court itself, and their salaries and allowances are charged on the state's consolidated fund.**
  - **Article 230 – Parliament can also establish High Courts in Union Territories.**
  - **Article 231 – A single High Court can serve two or more states.**

## **Rajasthan High Court**

- **Establishment: 29 August 1949, at Jodhpur.**
- **The High Court was inaugurated by Sawai Man Singh II. The first Chief Justice was Kamal Kant Verma (a judge from Allahabad High Court), and 11 other judges were sworn in.**
- **Current strength: 49 judges + 1 Chief Justice = 50 judges.**
- **At the time of Independence, Rajasthan had 5 High Courts – Jaipur, Jodhpur, Bikaner, Udaipur, and a bench in Kota; a total of 20 judges were working in Alwar.**

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- Under the Rajasthan High Court Ordinance, 1949, a High Court was established at Jodhpur, and all five predecessor princely state High Courts were abolished.
  - After the Constitution came into effect (26 Jan 1950), the first Chief Justice of Rajasthan High Court was Justice Kailash Nath Vachoo, who became the longest-serving Chief Justice of Rajasthan High Court.
  - The shortest-serving Chief Justice was Satish Mittal, who served 41 days.
  - On 1 Nov 1956, a bench was established in Jaipur, with 5 judges appointed.
  - The Satyanarayan Rao Committee recommended the abolition of this temporary bench, and it was abolished in 1958.
  - Using powers under Section 51(2) of the State Reorganization Act, 1956, the President ordered the establishment of a permanent bench in Jaipur on 8 Dec 1976.
  - The Jaipur bench started functioning on 31 Jan 1977.
  - The new building of Jodhpur High Court was inaugurated on 7 Dec 2019 by then President Ram Nath Kovind.
  - Chief Justices of Rajasthan High Court who became Chief Justices of the Supreme Court:
    - KN Vachoo
    - JS Verma
  - Rajendra Mal Lodha (a resident of Jodhpur) – the only Rajasthan HC judge who became Chief Justice of India.

### **Local Self-Government**

- Local Self-Government includes the administration of both villages and towns.
- Village administration is called Panchayati Raj.
- Urban administration is called Municipal Administration.
- In India, the father of local self-government is considered to be Viceroy Lord Ripon, who enacted the Local Self-Government Act in 1882, also referred to as the Magna Carta of local self-government.
- Local self-government is a subject in the State List, so state governments can determine Panchayati Raj and urban administration according to their preference.
- The philosophical father of Panchayati Raj in India is Mahatma Gandhi, as Panchayati Raj is influenced by his idea of Gram Swaraj.
- Gandhi outlined four levels of Gram Swaraj:
  - Nation ↑ District ↑ Taluka ↑ Village
- According to Gandhi, each level should be autonomous, and power should flow from the bottom to the top.
- Dr. BR Ambedkar believed that villages had high untouchability, and implementing Panchayati Raj could lead to further exploitation of Dalits.
- Therefore, the Indian Constitution included Panchayati Raj in Part IV under Article 40, which is non-mandatory.
- Because Panchayati Raj was included in Part IV, states neglected it and did not hold elections for a long time.

### **Community Development Program**

- Prime Minister Jawaharlal Nehru implemented this program on 2nd October 1952 to effectively put Gandhi's ideas of Gram Swaraj (village self-rule) into practice.
- In practice, the program was influenced by America's Ford Foundation programs, which inspired Nehru.

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- The program introduced the post of Block Development Officer (BDO), which today functions as the Executive Officer of the Panchayat Samiti.
  - The Community Development Program was India's first and largest rural development initiative.
  - After five years, it was observed that the program failed to achieve its objectives.
  - Consequently, Pt. Nehru acknowledged the program's failure and appointed the Balwant Rai Mehta Committee to review and suggest improvements.
  - **National Extension/Dissemination Program**
    - ✓ This program started in 1953, with the main objective of increasing public participation in rural development plans.
    - ✓ However, this program also ended in failure.

### **Balwant Rai Mehta Committee (1957)**

- They were also members of the Constituent Assembly.
- They made the following recommendations:
  - A three-tier Panchayati Raj system should be introduced:
    - Zilla Parishad (District Council)
    - Panchayat Samiti (Block-level Council)
    - Gram Panchayat (Village Council)
  - States with a population of less than 15 lakh may adopt a two-tier system.
  - One-third (33%) reservation should be provided for women.
  - Panchayati Raj should be given legal status.
  - Panchayati Raj institutions should be provided financial autonomy, and their sources of revenue should be increased.
- In January 1958, the National Development Council accepted the recommendations of Balwantrai Mehta, and the three-tier model was adopted in most states of India.
- Hence, Balwantrai Mehta is also called the architect or craftsman of Indian Panchayati Raj.
- Balwantrai Mehta passed away in a plane crash during the India-Pakistan war.
- On 2 October 1959, Jawaharlal Nehru formally inaugurated the Panchayati Raj at Bagadri (Nagaur, Rajasthan).
- Rajasthan became the first state to implement Panchayati Raj.
- On 11 October 1959, the formal inauguration of Panchayati Raj was held in Mahbubnagar district, Andhra Pradesh, making Andhra Pradesh the second state to implement it.
- Andhra Pradesh was the first state to conduct Panchayati Raj elections (1959).
- Rajasthan held its first Panchayati Raj elections in 1960.

### **Ashok Mehta Committee (1977)**

- Prime Minister Morarji Desai constituted this committee in December 1977.
- The committee submitted its report in August 1978.
- However, due to the fall of Morarji Desai's government, its recommendations were not implemented.
- The committee made the following suggestions:
  1. **Suggested a two-tier Panchayati Raj system:**
    - Zilla Parishad (District Council)
    - Mandal Panchayat – covering a population of 15,000–20,000
  2. Abolish the Panchayat Samiti and Gram Panchayat.
  3. Mandal Panchayat to replace them: larger than a Gram Panchayat but smaller than a Panchayat Samiti, covering a population of 15,000–20,000.



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4. Elections to Panchayati Raj bodies should be conducted on a party-based system.
    - Zilla Parishad (District Council) and Panchayat Samiti elections are conducted on a party-based system.
    - Gram Panchayat elections are non-party based (independent candidates contest).
  5. Gram Panchayat elections should not be conducted on a party basis to maintain social harmony in the village.
  6. 33% reservation for women is mandatory.
  7. Each state cabinet must include a Minister for Panchayati Raj.
  8. The committee also recommended the separate formation of Nyaya Panchayats (village-level judicial bodies).

### **GVK Rao Committee (1985):**

- Formation: The committee was formed by Prime Minister Rajiv Gandhi to suggest ways to give legal status to Panchayati Raj and make it more empowered.
- This committee described Panchayati Raj as "grass without roots" because administrative intervention was greater than democratic values.
- The committee made the following recommendations:
  - Like at the state level, each district should have a District Development Council (SDC).
  - The District Council should be highly empowered, and the post of District Development Commissioner should be created.
  - Policies and development plans for Panchayati Raj should be formulated at the district level.
  - Panchayati Raj should be given legal status and financial autonomy.

### **LM Singhvi Committee (1986)**

- LM Singhvi was a resident of Jodhpur and a renowned jurist.
- The committee recommended the following:
  - Implement the recommendations of the Balwant Rai Mehta Committee.
  - Elections should be held compulsorily every six months.
  - Gram Sabhas should be formed through direct elections at the lowest level.
  - Village courts (Gram Nyayalayas) should be established, and village disputes should be resolved in these courts.
- In 2008, the Parliamentary Act made Gram Nyayalayas a law, and under this Act, in 2009 (Golden Jubilee Year), India's first Gram Nyayalaya was started at Bassi, Jaipur.
- The title of the LM Singhvi report was:

### **PK Thungan Committee (1988)**

- 1988: Based on the recommendations of this committee, Prime Minister Rajiv Gandhi introduced the 64th Constitutional Amendment Bill in Parliament, but it was rejected in the Rajya Sabha by a margin of two votes.
- Recommendations:
  - Give legal status to Panchayati Raj.
  - Hold elections every 5 years.
  - Establish a State Finance Commission.

### **VN Gadgil Committee (1988)**

- He was a senior Congress leader.
- He gave the following suggestions to make Panchayati Raj effective:
  1. Panchayati Raj institutions should have constitutional status.
  2. Elections should be held in the stipulated five years.

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3. Elections should be direct at all three levels.
  4. Panchayati Raj institutions should be allowed to impose taxes.
  5. State Finance Commission should be formed.
  6. Reservation should be given to make Panchayati Raj powerful.

### **64th Constitutional Amendment Bill (1989)**

- Through this bill, an unsuccessful attempt was made to give legal status to Panchayati Raj.
- This bill was passed in the Lok Sabha, but was defeated by two votes in the Rajya Sabha.
- **73rd Constitutional Amendment Bill** Rajiv Gandhi was influenced by this bill, hence he is considered the father of present Panchayati Raj.

### **Panchayati Raj**

#### **73rd Constitutional Amendment 1992**

- **22 December 1992** was passed in the Lok Sabha.
- **23 December 1992** was passed in the Rajya Sabha.
- **April 20, 1993** It was signed by the President.
- **April 24, 1993** This Act came into force from 1957 (Panchayati Raj Day is celebrated on this day).
- There was a provision in this constitutional amendment that every state should make its own Panchayati Raj Act within 1 year.
- For this reason, Rajasthan Panchayati Raj Act came into force on 23 April 1994.
- With the implementation of this Act, the earlier Acts (1953, 1959) came to an end.
- The 11th Schedule was added to the Constitution.
- 29 subjects were given to Panchayati Raj.
- **SC/ST** were given 33% reservation in proportion to the population and women were given 33% reservation as Panchayati Raj is a subject in the State List so most of the states increased the women reservation to 50% which also includes Rajasthan.
- **EW** There is no mention of reservation.
- **OBC Reservation** Article 243(D)6 gives.
- Reservation is given by rotation for 5 years i.e. by lottery before the elections.
- There is 50% reservation for women in Rajasthan, Bihar, MP, HP, Uttarakhand, Odisha.
- Tamil Nadu is the only state in India where rotation is scheduled every 10 years.
- Panchayati Raj was given legal status.
- Panchayati Raj is mentioned in Part-IX of the Constitution from Article 243(A) to 243(O).
- A provision was made that the post cannot remain vacant for more than 5 years and 6 months.
- **Provision of Gram Sabha**
  - ✓ **Article 243** The definition of Gram Sabha has been given in.
  - ✓ **Article 243(A)** There is mention of the formation of Gram Sabha.
- **Composition of Gram Sabha:**
  - head
  - Deputy Sarpanch
  - Ward Panch
  - All voters of the Gram Panchayat
- ✓ The VDO calls the Gram Sabha meeting on the instructions of the Sarpanch.
- ✓ It is mentioned in the Panchayati Raj Act that two meetings will be called in a financial year.
- ✓ But currently four meetings are called in a year on 15 Aug, 26 Jan, 1 Oct, 1 May.
- ✓ The meetings of the Gram Sabha are chaired by the Sarpanch, Deputy Sarpanch and the voters of the village as determined by the members of the Gram Sabha respectively.



- ✓ The Gram Sabha determines and prioritizes the development of the village, prepares a proposal and sends it to the Panchayat Samiti.
- ✓ Gram Sabha is an example of direct democracy and is the lowest legislative body (in Rajasthan the Ward Sabha is the lowest, but it is not mentioned in the Constitution).
- ✓ The VDO acts as the executive officer in the Gram Sabha meetings.
- ✓ Maintains records of decisions taken during the meeting.
- ✓ The quorum for Gram Sabha meetings is 1/10.
- **Provision for State Finance Commission Article 243(I)**
  - ✓ This is provided for in Article 243(I).
  - ✓ Till now, 6 Finance Commissions have been formed in Rajasthan, which are appointed by the Governor for 5 years.
  - ✓ Their main function is to advise the state government in giving grants to local institutions.
  - ✓ **Presidents till date:**

1. K. K. Goyal	4. B. D. Kalla
2. Hiralal Devpura	5. Jyoti Kiran
3. Manik Chandra Surana	6. Pradyuman Singh
  - ✓ The State Finance Commission is a constitutional body.
  - ✓ It was not mentioned in the original Constitution, hence it was added through constitutional amendment.
  - ✓ It is an advisory body, its advice is not binding on the government.
  - ✓ It is appointed by the Governor for a term of 5 years.
  - ✓ It recommends grants to local bodies (municipal administration + Panchayati Raj) which are not binding on the government.
  - ✓ Due to the higher sources of income of the municipal administration, it recommends giving more grants to the Panchayati Raj institution (Finance Commission).
- **Provision of State Election Commission**
  - ✓ This is provided for in Article 243(K).
  - ✓ The State Election Commissioner is appointed by the Governor for elections to local bodies for a term of 5 years or until he attains the age of 65 years.
  - ✓ Amar Singh Rathore, the first Election Commissioner of Rajasthan.
  - ✓ The current State Election Commissioner is retired IAS officer Madhukar Gupta.
  - ✓ It prepares separate voter lists for the elections of local bodies.
  - ✓ **Chief Electoral Officer** This is distinct from the State Election Commissioner (Naveen Mahajan). He is appointed by the Central Election Commission in each state and conducts elections to the Legislative Assembly, Lok Sabha, and Rajya Sabha within that state.
  - ✓ **73rd Amendment** Keeping in mind the tribal areas, this Act is not applicable in Nagaland, Mizoram, Meghalaya, Manipur (Hilly Area), Darjeeling district of West Bengal.
  - ✓ Earlier it was not applicable to J&K because there was a separate constitution there, but after October 2019 it became applicable there also.
  - ✓ Apart from the above mentioned states, special facilities have been provided to the tribes of other states under PESA Act 1996.
- **audit**
  - ✓ Arrangements were also made for audit of accounts of Panchayati Raj and social audit.
  - ✓ The State Legislature may make provisions for the supervision and audit of the accounts of the Panchayats.

- ✓ The procedure for removing a State Election Commissioner is similar to that of a High Court judge, who can be removed from office by the President upon a recommendation by Parliament. This means that the State Election Commissioner cannot be removed by the Governor, even though he or she is appointed by the Governor.
- ✓ **Three important committees have been formed regarding Rajasthan Panchayati Raj:**
  1. **Sadiq Ali Committee (1964)**
  2. **Girdhari Lal Vyas Committee (1973):** On the recommendation of this committee, the post of Gram Sevak was created in 1974.
  3. **Harlal Singh Kharra Committee (1990)** Kharra Committee emphasized on agricultural reforms through village panchayats.
  4. **Kataria Committee (2009):** This committee had suggested handing over all 29 subjects to the Panchayats.

### **Organization of Panchayati Raj in Rajasthan**

Subject	District Council	Panchayat committee	Gram Panchayat
<b>population</b>	5 lakh - 17 wards, 2 wards per 1 lakh can be increased	1 lakh - 15 wards, 2 wards per 15000 can be increased	3000 - 9 wards, 2 wards per 1000
<b>chief</b>	District Head	Prime	head
<b>election of the head</b>	indirect	indirect	direct
<b>Ability</b>	21 years	21 years	21 years
<b>ex-officio members</b>	MP/MLA/Pradhan	MLA/Sarpanch	No ex officio
<b>Chieftain's oath</b>	CEO	BDO	RO/Returning Officer
<b>Resignation</b>	Divisional Commissioner	District Head	BDO
<b>Member Resignation</b>	District Head	Prime	BDO
<b>meeting</b>	once in 3 months	once in 1 month	once in 15 days
<b>calls a meeting</b>	CEO	BDO	VDO
<b>chairmanship</b>	District Head	Prime	head
<b>process for removing the head</b>	No-confidence motion is brought by 1/3 members	No-confidence motion is brought by 1/3 members	No-confidence motion is brought by 1/3 members
<b>quorum</b>	3/4 passed	3/4 passed	3/4 passed

- Apart from the no-confidence motion, all three can also be removed by the executive order of the Divisional Commissioner.
- **Procedure for no-confidence motion:**
  - ✓ No no-confidence motion can be brought in the first two years and the last one year.
  - ✓ 1/3 of the total members will appear personally before the Executive Officer with a written complaint letter.
  - ✓ And the Executive Officer will inform all the remaining members within 15 days.
  - ✓ The House will meet within 30 days and if the quorum is not achieved on the scheduled date, no no-confidence motion can be brought for the next one year.
  - ✓ And if the proposal is passed with 3/4 majority on the scheduled date, the chief will be considered removed.

- Only the Divisional Commissioner can remove the Ward Panch and members by getting the complaint investigated and issuing an order.
- The tenure of all is 5 years and the 5 years are considered to start from the first meeting.
- **2015**In 1996, Vasundhara Raje made provision for educational qualification by amending the Rajasthan Panchayati Raj Act.
  - ✓ **District Head/Pradhan (General Area):**10th pass
  - ✓ **District Head/ Pradhan (Tribal Area):**8th pass
  - ✓ **Sarpanch (General Area):**8th pass
  - ✓ **Sarpanch (Tribal Area):**5th pass
- **2019**The provision of educational qualification was abolished in 1975.
- At present, educational qualification is applicable only in the state of Haryana, which was also justified by the SC.

### **Panchayat Extension Scheduled Areas Act**

- **PESA Act - 1996**
- **The purpose of this Act:**
  1. Implementation of Panchayati Raj in tribal areas.
  2. Preserving the culture of the tribes.
  3. To protect the interests of the tribes and prevent outside interference in their traditions.
- The PESA Act was enacted on the recommendation of the Dilip Singh Bhuria Committee (1994).
- Currently it is applicable in 10 states of the country.
- **08 districts of Rajasthan:**Fully implemented in Dungarpur, Banswara, Pratapgarh; Partially implemented in Pali, Sirohi, Udaipur, Rajsamand, Chittorgarh.
- The notified area is determined by the President in consultation with the Governor.
- The PESA Act was in the news in 2018 due to the Pothalgadi movement, under which tribals launched a movement demanding that the general administration not interfere in their areas.
- The PESA Act implements the 5th Schedule.
- **The 10 states are as follows:**

1. Rajasthan	6. Chhattisgarh
2. Himachal Pradesh	7. Jharkhand
3. Gujarat	8. Andhra Pradesh
4. Madhya Pradesh	9. Telangana
5. Maharashtra	10. Odisha

### **29 subjects of Panchayati Raj**

1. Agricultural Extension and Agriculture
2. Land reforms, land development, consolidation (land organization), land conservation
3. Minor irrigation and water management, water management between rivers
4. Animal husbandry, fisheries
5. Poultry Farming (Chicken Farming)
6. rural electrification
7. Agriculture, forest produce (cultivation in forests)
8. Education (P. and M.)
9. minor forest produce
10. small scale and cottage industries
11. Khadi Village Industries
12. rural Development
13. Providing drinking water

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14. Providing fuel and fodder
  15. Construction of roads, bridges, ferries (waterways)
  16. Non-conventional energy sources (solar energy, windmills)
  17. poverty alleviation program
  18. Library
  19. Technical Training and Vocational Education
  20. Adult or non-formal education (6-14 years)
  21. Cultural activities
  22. Markets and fairs
  23. Public dispensaries and hospitals
  24. Family Welfare (Family Planning)
  25. Women and Child Welfare
  26. Weaker sections of the society (special welfare for SC, ST sections)
  27. Disabled: Welfare of the mentally challenged
  28. Community Development (Jhumar, Ramlila)
  29. Public Distribution System
- **2010**In 1955, a committee was formed in Rajasthan under the leadership of agricultural scientist V. S. Vyas (Vijay Shankar), and on its recommendation, five subjects were given to the Panchayati Raj:
1. Agriculture
  2. Education
  3. Treatment
  4. Women and Child Development
  5. community Development

### **Articles related to Panchayati Raj**

- Panchayati Raj was listed in Article 40 of the original Constitution, but the 73rd Amendment has included it in Article 243 (243(A)-(O)).
- **Article 243** -Definition of Zila Parishad, Panchayat Samiti and Gram Panchayat.
- **Article 243(A)** -Organization of Gram Sabha.
- **Article 243(B)** -Provision for three-tier Panchayati Raj.
- **Article 243(C)** -Formation of Panchayati Raj institutions.
- **Article 243(D)** -Reservation.
- **Article 243(E)** -Tenure of Panchayati Raj institutions.
- **Article 243(F)** -Mention of the qualifications and disqualifications of the members of Panchayati Raj institutions.
- **Article 243(G)** -The functions and powers of Panchayati Raj institutions have been mentioned.
- **Article 243(H)** -Power to levy taxes (power of imposition).
- **Article 243(I)** -Provision of State Finance Commission.
- **Article 243(J)** -Audit.
- **Article 243(K)** -State Election Commission.
- **Article 243(L)** -Panchayati Raj is also implemented in Union Territories.
- **Article 243(M)** -Not applicable in some states: Nagaland, Meghalaya, Mizoram, hilly areas of Manipur, Darjeeling in West Bengal.
- **Article 243(N)** -The rules of the previous Panchayati Raj are also applicable.
- **Article 243(O)** -The delimitation related to Panchayati Raj cannot be challenged in the court.

### **Municipalities**

- It is a part of local self-government and its greatest development occurred during the British period.
- **1687**The first municipal corporation was established in Madras in 1855.
- The original Constitution did not mention urban units. Being a State List subject, it was left to the discretion of the states.