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# UPPSC Prelims

## POLITY & GOVERNANCE

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## UTTAR PRADESH: POLITY & GOVERNANCE AT A GLANCE

Statehood	24 <sup>th</sup> January 1950
Date of Establishment	1 <sup>st</sup> November 1956
Capital	Lucknow
Districts	75
Governor	Anandiben Mafatbhai Patel
Chief Minister	Yogi Adityanath (BJP)
Cities Towns	689
Development Blocks	822
Municipal Corporation	13
Members of Lok Sabha from U.P.	80
Members of Rajya Sabha from U.P.	31
Members of U.P. Legislative Council	404
Members of U.P. Legislative Assembly	100
High Court	Prayagraj
Section Bench	Lucknow

## FORMATION OF UTTAR PRADESH

- The state was under Bengal Presidency till 1834. In January 1858, Lord Canning proceeded to Allahabad and formed the North Western Province excluding Delhi division. The seat of power was thus shifted from Agra to Allahabad. This was followed by the transfer of the High Court from Agra to Allahabad in 1868.
- In 1856, Awadh was placed under the Chief Commissioner. The districts were later merged with the North Western Province and began to be known as 'North Western Provinces and Oudh' in 1877. The entire province came to be known as the 'United Provinces of Agra and Oudh' in 1902.
- First election for the Legislative Council was held in 1920 and it was constituted in Lucknow in 1921. Since the governor, ministers and secretaries to governor had to be in Lucknow, the then governor Sir Harcourt Butler changed his headquarters from Allahabad to Lucknow. By 1935, the entire office was shifted to Lucknow.

- Lucknow became the capital of the province, the name of which was further changed to United Provinces in April 1937. The name was again changed to Uttar Pradesh in January 1950 under the Constitution of India.
- Uttar Pradesh was formed on 24<sup>th</sup> January, 1950. The then Governor General of India passed the United Provinces (alteration of name) Order 1950 renaming the then United Provinces as Uttar Pradesh. It was published in the Uttar Pradesh Gazette (extraordinary) dated 24<sup>th</sup> January 1950.
- On 9<sup>th</sup> November 2000, a new state, Uttarakhand, was carved out from the Himalayan hill region of Uttar Pradesh.

## EXECUTIVE OF U.P.

- Articles 153 to 167 in Part VI of the Constitution deals with the state executive. The state executive consists of the governor, the chief minister, the council of ministers and the advocate general of the state.
- Thus, there is no office of vice-governor (in the state) like that of Vice-President at the Centre.

### ■ Governor

- ▶ Article 153 to 162 of the Constitution deals with the executive powers of the Governor. The governor is the chief executive head of the state and is a nominal executive head (titular or constitutional head). The governor also acts as an agent of the central government.
- ▶ Article 155 deals with the appointment of Governor in the state. He is appointed by the President by warrant under his hand and seal.
- ▶ Governor is empowered to grant pardon, reprieve or remission, or to suspend or commute the punishment of any person convicted of any crime against Law.
- ▶ The Governor shall hold office during the pleasure of the President and holds office for a term of five years from the date on which he enters upon his office.
- ▶ He appoints the Chief Minister, the Advocate General of the State, State Election Commissioner, and the Chairman and members of the State Public Service Commission.
- ▶ He can recommend the imposition of constitutional emergency in a state to the President.
- ▶ He acts as the chancellor of universities in the state and appoints the vice-chancellors of universities in the state.
- ▶ He can appoint any member of the State Legislative Assembly to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant. Similarly, he can appoint any member of the State Legislature Council to preside over its proceedings when the offices of both Chairman and Deputy Chairman fall vacant.
- ▶ He nominates one-sixth of the members of the state legislative council from amongst persons having special knowledge or practical experience in literature, science, art, cooperative movement and social service.
- ▶ He can nominate one member to the state legislature assembly from the Anglo-Indian Community.
- ▶ He lays the reports of the State Finance Commission, the State Public Service Commission and the Comptroller and Auditor-General relating to the accounts of the state, before the state legislature.
- ▶ The first Governor of Uttar Pradesh was Smt. Sarojini Naidu. She was the First Female Governor in any Indian state.
- ▶ Muhammad Shafi Qureshi and B.L. Joshi were the Governors of U.P. for most number of times.

## ■ List of Governors of Uttar Pradesh

Name of Governors	Tenure
Sarojini Naidu	15-08-1947 to 02-03-1949
Vidhu Bhushan Malik (Acting)	17-09-1938 to 05-12-1939
H.P.Modi	02-05-1949 to 01-06-1952
Kanhaiyalal Manaklal Munshi	02-06-1952 to 09-06-1957
Varahgiri Venkatgiri	10-06-1957 to 30-06-1960
Baragula Rama Krishna Rao	01-07-1960 to 15-04-1962
Vishwa Nath Das	16-04-1962 to 30-04-1967
Dr. Bezwada Gopala Reddy	01-05-1967 to 30-06-1972
Shashi Kant Varma (Acting)	01-07-1972 to 13-11-1972
Akbar Ali Khan	14-11-1972 to 24-10-1974
Dr. Mari Chenna Reddy	25-10-1974 to 01-10-1977
Ganpat Rao Devji Tapase	02-10-1977 to 28-02-1980
Chandeshwar Prasad Narayan Singh	28-02-1980 to 30-03-1985
Mohammad Usman Arif	31-03-1985 to 12-02-1990
B.Satya Narayan Reddy	12-02-1990 to 26-05-1993
Motilal Vora	26-05-1993 to 03-05-1996
Mohammad Shafi Qureshi (Acting)	03-05-1996 to 18-07-1996
Romesh Bhandari	19-07-1996 to 17-03-1998
Mohammad Shafi Qureshi (Acting)	17-03-1998 to 19-04-1998
Suraj Bhan	20-04-1998 to 23-11-2000
Vishnu Kant Shastri	24-11-2000 to 02-07-2004
Sudarshan Agarwal (Acting)	03-07-2004 to 08-07-2004
T.V. Rajeshwar	08-07-2004 to 27-07-2009
B.L.Joshi	28-07-2009 to 06-03-2014
Dr.Aziz Qureshi	23-06-2014 to 22-07-2014 (Forenoon)
Ram Naik	22-07-2014 (Afternoon) to 28-07-2019
Anandiben Mafatbhai Patel	29-07-2019 - Till Date

## ■ Chief Minister

- ▶ The Chief Minister of Uttar Pradesh is the real executive authority (de facto executive). In other words, he is the head of the government.
- ▶ Thus, the position of the Chief Minister at the state level is analogous to the position of Prime Minister at the Centre.
- ▶ Article 164 says that the Chief Minister shall be appointed by the Governor. The Governor appoints the leader of the largest party or coalition in the assembly as the Chief Minister and asks him to seek a vote of confidence in the House within a month.
- ▶ On 26<sup>th</sup> January 1950 Govind Ballabh Pant, Premier of United Provinces, became the first Chief Minister of the newly renamed Uttar Pradesh.
- ▶ Including him, 11 out of UP's 21 chief ministers belonged to the Indian National Congress. UP has also had two women chief ministers i.e., Sucheta Kripalani and Mayawati.
- ▶ Akhilesh Yadav of the Samajwadi Party served as the Chief Minister of Uttar Pradesh from 2012 to 2017, having assumed office at the age of 38, he is the youngest person to have held the office. On ten occasions, most recently in 2002, the state has come under President's rule, leaving the office of chief minister vacant.

## ■ List of U.P. Chief Ministers

Name of Chief Minister	Tenure	Political Party
Govind Ballabh Pant	26-1-1950 to 27-12-1954	Indian National Congress
Dr. Sampurnanand	28-12-1954 to 6-12-1960	Indian National Congress
Chandra Bhanu Gupta	7-12-1960 to 1-10-1963	Indian National Congress
Sucheta Kriplani	2-10-1963 to 13-3-1967	Indian National Congress
Chandra Bhanu Gupta	14-3-1967 to 2-4-1967	Indian National Congress
Charan Singh	3-4-1967 to 25-2-1968	Bharatiya Kranti Dal
President's Rule	25-2-1968 to 26-2-1969	N/A
Chandra Bhanu Gupta	26-2-1969 to 17-2-1970	Indian National Congress
Charan Singh	18-2-1970 to 1-10-2000	Bharatiya Kranti Dal
Rajnath Singh	28-10-2000 to 8-3-2002	Bharatiya Janata Party
President's Rule	8-3-2002 to 3-5-2002	N/A
Mayawati	3-5-2002 to 28-10-2003	Bahujan Samaj Party
Mulayam Singh Yadav	29-10-2003 to 13-5-2007	Samajwadi Party
Mayawati	13-5-2007 to 15-3-12	Bahujan Samaj Party
Akhilesh Yadav	15-3-12 to 19-3-17	Samajwadi Party
Yogi Adityanath	19-3-17 till Present	Bharatiya Janata Party

## ■ Council of Ministers

- ▶ The Council of Ministers are appointed by the Governor on the advice of the Chief Minister. The Council of Ministers shall be collectively responsible to the Legislative Assembly of the State and individually responsible to the Governor.
- ▶ Article 163 deals with the status of the Council of Ministers while Article 164 deals with the salaries and allowances of these ministers are governed by laws made by the State Legislature.
- ▶ 17<sup>th</sup> Uttar Pradesh Legislative Assembly headed by Chief Minister Yogi Adityanath since 19 March 2017 can have maximum 60 members.
- ▶ Currently there are 47 Ministers. Along with the Chief Minister, 25 are Cabinet ministers, 9 are State ministers with Independent charge and 13 are State ministers.
- ▶ Out of the 47 ministers, 45 belongs to the BJP while SBSP & AD(S) have 1 minister each.

## ■ Advocate General

- ▶ U.P. has an Advocate-General for the state who shall be appointed by the Governor of the State and holds office during the pleasure of the Governor.
- ▶ Only a person who is qualified to be a judge of a High Court can be appointed Advocate General. He receives such remuneration as the Governor may determine.
- ▶ Article 117 says that he shall have the right to speak and to take part in the proceedings of but no right to vote in the Houses of the Legislature of the State.
- ▶ Raghvendra Singh is the current Advocate General of the state, who was succeeded by Vijay Bahadur Singh.

## ■ The Secretariat

- ▶ It is the highest office of the state. It is divided into different sections which have one or more departments.
- ▶ Most departments of the Secretariat have heads of departments and heads of offices under their administrative control, who function as the executive authorities of the Government. All the government orders are issued in the name of the Governor but are signed by the Secretary or officers under him down to the rank of Under Secretary.
- ▶ The work of Government is conducted in Hindi, in Devanagari script. The Principal Secretaries, Secretaries, Special Secretaries, Joint Secretaries, Deputy Secretaries and Under-Secretaries are appointed either from the Central or State Administrative Services.
- ▶ The Chief Secretary controls all work in the entire Secretariat. He is the senior officer of IAS in the State Cadre.
- ▶ He is the Head of the Secretariat establishment. The Secretariat of U.P. is located in Lucknow.

# LEGISLATURE OF UTTAR PRADESH

- The legislation was entirely in the hands of the Britishers till 1861. On 5<sup>th</sup> January 1887, the Legislative Council of North Western Provinces and Oudh was constituted with 9 nominated members.
- The Council met for the first time on 8<sup>th</sup> January, 1887 at the Thornhill Memorial Hall in Allahabad. It functioned as a unicameral legislature until March, 1937.
- After adoption of a new Constitution in India, the first session of U.P. began on 2<sup>nd</sup> February, 1950. Hindi in Devanagari script was adopted as the official language.
- Now, it has a bicameral legislature comprising of Legislative Council, an upper House and Legislative Assembly, the lower House. This is the largest legislature in India.
- Both the Houses of Legislature have their own separate Secretariats and Secretaries.

- There is also a library for the use of members of the Legislature.
- Members of both the Houses and Committees have the same privileges, powers and immunities as those of the members of the House of Commons in UK. Besides, no prosecution can be launched against them in courts for anything said on the floor of the House.
- An important and pioneering contribution made by Uttar Pradesh in the democratic process is the provision of office of the Leader of the Opposition by an Act. Under the new dispensation, he has been given a status at par with that of a minister.
- Provision has also been made for car allowance, staff for his office and other facilities befitting his position. According to the aforesaid Act, the leader of the single largest recognised opposition party, having the strength to make up the quorum, is recognised as the Leader of the Opposition.

## ■ Vidhan Parishad

- ▶ The State has a bi-cameral Legislature since 1937. The Upper House or the Vidhan Parishad or Legislative Council is a permanent House. Members are elected or nominated for six years and one-sixth of them retire every second year.
- ▶ U.P.'s Vidhan Parishad came into existence by the Government of India Act, 1935 in the year 1937.
- ▶ It has 108 members, 12 of whom are nominated by the Governor on the basis of practical experience i.e., Art, Science, Literature and Social Services.
- ▶ 39 members are elected each by the Vidhan Sabha and 39 by the Local bodies and 9 each by the teachers and graduates.
- ▶ The Vidhan Parishad has no right to vote on demands for money, nor can any money bill be introduced in it. No other bill can become a law unless passed by both the House.
- ▶ The presiding officers of Vidhan Parishad are known as Chairman and Deputy Chairman. They are elected and hold their offices like the presiding officers of Vidhan Sabha.
- ▶ Its first meeting was held on 29<sup>th</sup> July, 1937. Sir Sitaram and Begum Aijaz Rasul were elected the President and the Vice-President of the Legislative Council respectively.
- ▶ After 26<sup>th</sup> January, 1950, Chandra Bhal was elected as the Chairman of the Legislative Council and continued in office till 5<sup>th</sup> May, 1958. The first Deputy Chairman was Nizamuddin.

## ■ Vidhan Sabha

- ▶ The Uttar Pradesh Assembly consists of 403 elected members and one nominated Anglo-Indian member. Prior to 1967, the strength of the Legislative Assembly was 431 members including one nominated Anglo-Indian member which was revised to 426 including one nominated Anglo-Indian member.
- ▶ After reorganization of the State of Uttar Pradesh and formation of Uttarakhand on 9<sup>th</sup> November 2000, the strength of the Legislative Assembly has been reduced to 404 including one nominated Anglo-Indian member.
- ▶ The term of the Legislative Assembly is five years unless dissolved earlier. The first Legislative Assembly was constituted on 8<sup>th</sup> March, 1952. Since then, it has been constituted Seventeen times. The present i.e. Seventeenth Legislative Assembly was constituted on 14<sup>th</sup> March, 2017.
- ▶ The election for it is held on the principle of 'one adult one vote'.
- ▶ Before Independence, the first speaker of the Legislative Assembly was Rajashri Purushottam Das Tandon and first Deputy Speaker was Abdul Hakeem as on 31<sup>st</sup> July, 1937.
- ▶ After Independence the U.P Legislative Assembly met for the first time on November 3<sup>rd</sup>, 1947.
- ▶ On February 25, 1948, the Assembly passed a resolution regarding the amalgamation of the High Court of Judicature at Allahabad and the Oudh Chief Court.
- ▶ The year 1949 was marked by the introduction of two epoch making legislative measures, viz. The U.P Zamindari Abolition and Land Reforms Bill, 1949 and the U. P. Agricultural Tenants (Acquisition of Privileges) Bill, 1949, of which the latter was enacted in December, 1949 and the former in 1951.



- ▶ At the commencement of the first session after each general election to the Assembly and at the commencement of the first session of the year, the Governor addresses both the Houses of Legislature assembled together and informs the Legislature of the causes for summoning it.
- ▶ Besides this both the Houses are summoned by the Governor from time to time during the year. The Speaker and Deputy Speaker are elected by the members of the Legislative Assembly from amongst them.
- ▶ The Chambers of the Uttar Pradesh Legislative Assembly and Legislative Council are situated at the historic city of Lucknow.
- ▶ Yogi Aditya Nath, is the Chief Minister of State and Leader of the House since 19<sup>th</sup> March, 2017. Hriday Narayan Dikshit is the Speaker of the Legislative Assembly since 30<sup>th</sup> March, 2017. Ram Govind Chaudhary is the Leader of the Opposition since 27<sup>th</sup> March, 2017.

## ■ House Committees

- ▶ The House has not enough time to deal with every matter that comes before it or to examine it in detail. So, it works through the Committees. There are committees to deal with Legislation matters like the Select Committee on bills or the Delegated Legislative Committee which examines rules, regulations and bylaws framed by the Government underpowers vested in it under the various Acts and the Constitution.
- ▶ Besides, the House has three important Financial Committees-- the Estimates Committee, the Public Accounts Committee, and the Public Undertakings and Corporation Committee.
- ▶ The Estimates Committee examines the estimates presented in the House. The Public Accounts Committee examines the reports of the Comptroller and Auditor-General of India relating to this State and sees to it whether the money spent was actually available or not and had been spent for the purpose for which it was earmarked by the House.
- ▶ Uttar Pradesh is the first State to accept the Principle that the Chairman of the Public Accounts Committee should be from the Opposition. The State has been following this convention since 1948, While it was adopted by the Lok Sabha only after 1967.
- ▶ The Public Undertakings and Corporation committee was set up only recently after the setting up of several public sector undertakings in the State. In view of the need for ensuring accountability of public undertakings to the Legislature and at the same time preserving their autonomy, the Public Undertaking Committee examines their working and gives them directions so that they may function efficiently, economically and without any unnecessary interference from the Government.
- ▶ There are other committees to assist in the conduct of the business of the House. The Assurance Committee examines the assurances given by the Government in the House, the Privileges Committee examines cases of violation of privileges raised in the House, while the Petition Committee looks into the petitions submitted to the Vidhan Sabha by the people from time of time.
- ▶ There is another Committee, the House Committee which deals with the boarding and loading facilities of the members. There is one more important committee of the House, the Business Advisory Committee, which allots and regulates time for business before the House.
- ▶ Uttar Pradesh has also the distinction of setting up of a Parliamentary Studies Committee a few years ago to study parliamentary affairs and give its suggestions.
- ▶ The committee has done important work regarding privileges of members, ordinance-issuing power of the Governor, inclusion of Vidhan Parishad members in financial and other committees and working of the committee itself.
- ▶ Another committee was set up to oversee the welfare of Scheduled Castes/Tribes and Denotified Tribes. In addition, there are 27 Standing Committees to advise the ministers.

## THE JUDICIARY

- The High Court is the apex court in the State in respect of civil and criminal cases. The Board of Revenue is the highest court in respect of revenue cases.
- According to Article 214, there should be a High Court in every state.
- Under Article 227, the High Court has been given the power of superintendence over all other courts and tribunals.
- The High Court is a Court of records which means that its work and proceedings serve as perpetual evidence. Its records are of such high authority that their content cannot be challenged in any lower court.
- As a court of record, it has also the power to punish persons guilty of its contempt. The Chief Justice of the High Court is appointed by the President of India on the advice of the Chief Justice of the Supreme Court of India and the Governor of the State.
- Other Judges are appointed by him on the advice of the Chief Justice. Only such persons are eligible for the post of High Court who have worked as an advocate for at least ten years or held office in any Judicial Service for the same period.
- The High Court is empowered to issue writs to any person or office for protecting the fundamental rights enshrined in the Constitution. It has both original and appellate jurisdiction in civil as well as criminal cases.
- By the Indian High Courts Act passed by British Parliament in 1861, provision was made, not only for the replacement of the Supreme Courts of Calcutta, Madras and Bombay and for the establishment of High Courts in their places, but for the establishment of a High Court by Letters Patent in any other part of Her Majesty's territories not already included in the jurisdiction of another High Court.
- In the year 1866, the High Court of Judicature for the North-Western Provinces came into existence at Agra under Letters Patent of the 17th March, 1866, replacing the old Sudder Diwanny Adawlat.
- Sir Walter Morgan, Barrister-at-Law and Mr. Simpson were appointed the first Chief Justice and the first Registrar respectively of High Court of North-Western Provinces.
- The seat of the High Court for the North-Western Provinces was shifted from Agra to Allahabad in 1869 and its designation was altered to 'the High Court of Judicature at Allahabad' by a supplementary Letters patent issued on March 11, 1919.
- The Oudh Chief Court at Lucknow, replacing the Oudh Judicial Commissioners Court, was established on November 2, 1925 not by Letters Patent but by the Oudh Civil Courts Act, IV of 1925, enacted by the U.P. Legislature with the previous sanction of the Governor-General to the passing of this Act, as required by the Government of India Act, 1919s. 80-A (3).
- By the U.P. High Court Amalgamation Order, 1948, the Chief Court of Oudh was amalgamated with the High Court of Allahabad and the new High Court was conferred the jurisdiction of both the Courts so amalgamated. By the Amalgamation Order the jurisdiction of the Court under the Letters Patent and that of the Chief Court under the Oudh Courts Act was preserved.
- In July, 1949 the States Merger (Governor's Provinces) order was passed which was amended in November the States Merger (United Provinces) Order, 1949 whereby the powers of the Government of some Indian States specified in the Schedule, which had vested in the Dominion Government were transferred to the adjoining Governors' Provinces. In Schedule VII, Rampur, Benaras and Tehri Garhwal were the States specified, and by section 3 the said states were to be administered in all respects as if they formed part of the absorbing province.
- On the eve of the Republic Day celebrations on the 26th January, 1950, the date of commencement of the Constitution of India, the High Court of Judicature at Allahabad came to have jurisdiction throughout the entire length and breadth of the State of Uttar Pradesh.
- By the Uttar Pradesh Reorganisation Act, 2000, State of Uttaranchal and Uttaranchal High Court came into existence from the midnight intervening 8 and 9 November, 2000 and in view of section 35 of the

Act, High Court at Allahabad ceased to have jurisdiction of 13 districts falling within the territory of State of Uttaranchal.

- At present, sanctioned strength of Judges of the High Court of Judicature at Allahabad is 160.

### ■ List of Former Chief Justices

- ▶ Shyamal Kumar Sen: 08-05-2000 to 24-11-2002
- ▶ Tarun Chatterjee: 31-01-2003 to 26-08-2004
- ▶ Ajoy Nath Ray: 11-01-2005 to 26-01-2007
- ▶ Hemant Laxman Gokhale: 07-03-2007 to 08-03-2009
- ▶ Chandramauli Kumar Prasad: 20-03-2009 to 07-02-2010
- ▶ Ferdino Inacio Rebello: 26-06-2010 to 30-07-2011
- ▶ Syed Rafat Alam: 05-08-2011 to 07-08-2012
- ▶ Shiva Kirti Singh: 17-10-2012 to 18-09-2013
- ▶ Dhananjaya Yashwant Chandrachud: 31-10-2013 to 12-05-2016
- ▶ Dilip Babasaheb Bhosale: 30-07-2016 to 23-10-2018
- ▶ Govind Mathur: 14-11-2018 to till present

### ■ Subordinate Judicial Service

- ▶ The Subordinate Judiciary has been divided into two parts 'The U.P. Civil Judicial Services' and 'The U.P. Higher Judicial Service'.
- ▶ The former consists of Munsifs and Civil Judges including Small Cause Judges and the latter of Civil and Sessions Judges (now Additional District Sessions Judges). The District Judge is the controller of the Subordinate Judicial Service at the district level.
- ▶ The State is divided into 46 judicial districts, each under the control of a District Judge. In certain cases Munsifs and Assistant Collectors and Assistant Session Judge also.
- ▶ The jurisdiction of the District Judge extends to more than one revenue district in some cases. On the civil side, the Munsif's Court is the lowest court. The next higher court is that of the Civil Judge.
- ▶ The highest court at the district level is that of the District Judge. In criminal cases, the Munsif has the powers of a Judicial Magistrate. From October 2, 1967, the Judicial Magistrates, who were hitherto under the Government, have been placed under the High Court.
- ▶ Thus there is now complete separation of judiciary from the executive except for revenue matters. On the revenue side, there are Assistant Collectors. Above them are additional Collectors and Collectors, who have appellate jurisdiction.
- ▶ Higher up are Divisional Commissioner and Additional Commissioners who exercise appellate jurisdiction. The Board of Revenue is the highest court in revenue matters. Under the Uttar Pradesh Panchayat Raj, Nyaya Panchayats have also been set up.
- ▶ On the civil side, they can hear certain cases up to a value or Rs.500. In IPC and other laws. They are not empowered to give prison sentences.

### ■ Uttar Pradesh Public Service Tribunal

- ▶ The number of service cases of Government servants in courts was constantly rising. Such cases involved time and money of State Government officers and employees and of State corporations and companies.
- ▶ Keeping this in view, the Uttar Pradesh Public Service Tribunal was set up in 1976 with the objective of rendering speedy and cheaper justice to the employees.

## ■ Family Court

- ▶ The Family Courts Act, 1984 provides for establishment of Family Courts by the State Governments in consultation with the High Courts with a view to promote conciliation and secure speedy settlement of disputes relating to marriage and family affairs and for matters connected there with.
- ▶ In Lucknow and Kanpur, there are two Family Courts. Though, in the state, in every commissioner, there is provision of a Family Court.
- ▶ These courts decide the cases related to marriages, maintenance, spouse and children issues etc.

## ■ Lok Adalat

- ▶ Legal Services Authority Act, 1987 was passed by the state government and established Uttar Pradesh State Legal Services Authority, District Legal Services Authority and Tehsil Legal Services Authority.
- ▶ These authorities are under the jurisdiction of Lok Adalat, which hears the matter of civil, criminal, revenue, marriage, divorce, maintenance, damage cases, Family court cases etc.
- ▶ These authority decides the cases and provides free legal aid to weaker sections.

## ■ Special Courts

- ▶ These have been set up at district level for Special Act. It has a limited jurisdiction.
- ▶ It was set up for trying criminal cases against legislature under the ST/SC Act, 1989 and Anti-Corruption Act.
- ▶ In Uttar Pradesh, special courts have been set up at Meerut, Bareilly, Lucknow, Varanasi, Agra and Gorakhpur.

### Justice Dispensing Machinery

- There is an important concern on the excessive pendency of cases in the Courts. In the same reference, the government is releasing money for the construction of new Court premises. In the same line, money is allocated for the expansion of the Allahabad High Court.
- A corpus fund of Rs. 50 Crore is created for making payments to the mediators in the Allahabad High Court as well as in the District Courts.

## ■ Lokayukta

- ▶ Uttar Pradesh Lokayukta and Uplokyukta is an anti-corruption ombudsman in the Uttar Pradesh. The position of the Lokayukta was established under the Lokayukta Act of 1975.
- ▶ The Lokayukta is from a non-political background and functions as a statutory authority probing into cases primarily related to corruption, government mismanagement, or abuse of power by public servants or ministers.
- ▶ Though the Lokayukta lacks wide investigatory powers, it has caught public attention by investigating high-profile cases.
- ▶ The term of Lokayukta is 8 years.
- ▶ The first Lokayukta of Uttar Pradesh was Vishambar Dayal who was elected on 14th September, 1977.

## LOCAL SELF GOVERNMENT

### ■ Panchayati Raj System in U.P.

- ▶ Uttar Pradesh brought in Panchayati Raj immediately after independence through the enactment of the UP Panchayat Raj Act, 1947.
- ▶ Following the recommendations of Balwant Rai Mehta Committee, a three-tier system of Panchayats was established through the enactment of the U.P. Kshetra Samitis and Zilla Parishads Act, 1961(now renamed as UP Kshetra panchayats and Zilla Panchayats Adhiniyam, 1961).
- ▶ Following the Constitution (73<sup>rd</sup> Amendment) Act, 1992 in order to bring about conformity with the provisions of the Constitution, the Government of U.P. amended the two Acts named above, through the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994.
- ▶ The 3 levels of Panchayats in U.P are: District or Zilla Panchayat, Intermediate or Kshetra Panchayat and Village or Gram Panchayat.

### ■ District Panchayat

- ▶ It is the top body of the three tier Panchayati Raj system.
- ▶ Its Chairperson and Deputy Chairperson are elected by the members of the District Panchayat.
- ▶ The secretary of District Panchayat is the Chief Development Officer/Panchayati Raj Officer.
- ▶ This Panchayat forms 6 types of committees with its members like Administrative Committee, Planning and Development Committee, Educational Committee, Construction Work Committee, Health and Welfare Committee and Water Management Committee.

### ■ Block Panchayat

- ▶ It is the intermediate level of the three-tier Panchayati Raj system. Members of this Panchayat are elected by Gram Sabha.
- ▶ It consists of a Chairperson and Deputy Chairperson. Its secretary is the Block Development Officer (BDO).
- ▶ Its chairperson is elected by its members.
- ▶ These Panchayats also have six committees.

### ■ Gram Panchayat (Village Panchayat)

- ▶ It is the lowest level of the three tier system of Panchayati Raj System which is headed by the Sarpanch (Gram Pradhan).
- ▶ He is directly elected by members of Gram Sabha who are of 18 years or above.
- ▶ The members of Gram Panchayat are elected by the members of Gram Sabha.
- ▶ Two meetings held each year in the Gram Sabha.
- ▶ Eligibility to become a member of the Gram Panchayat: A person should attain the age of not less than 21 years. Presence of 1/3<sup>rd</sup> members of Village Panchayat in the meeting is mandatory.
- ▶ It is responsible to look after the basic amenities of the village under the surveillance of the Gram Pradhan.

### ■ Effective Devolution of Functions

- ▶ Section 15 of the U.P Panchayat Raj Act 1947 and sections 32 and 33 of U.P. Kshetra Panchayats and Zilla Panchayats Act 1961, respectively provide for the devolution of functions, in conformity with Article 243-G of Indian constitution.

- ▶ Administrative Reforms and Decentralisation Commission (the Bajaj Ayog) which was appointed by the UP Govt. in the year 1994 gave several recommendations regarding devolution of functions to Panchayats.
- ▶ The report of the Bajaj Ayog was considered by a High Powered Committee, the Bholanath Tiwari Committee, which recommended devolution of 32 subjects to Panchayats, out of which 16 functions have been transferred.
- ▶ Gram Panchayats have the power of verification of attendance of all village level workers. However, the appointments and transfers of all village level workers continued to be under the control of their parent departments.
- ▶ In 1999, steps were taken to permanently transfer village level functionaries of eight departments to Panchayats.

## ■ Urban Local Bodies

- ▶ The Uttar Pradesh Town Act, Uttar Pradesh Municipalities Act, Sub Local Self Government Law Act were enacted in 1914, 1916, 1994 respectively by the State Government.
- ▶ According to the 74<sup>th</sup> Amendment, there are three categories of Urban Local Bodies in Uttar Pradesh which are declared by the Governor.

## ■ Municipal Corporation (Nagar Nigam)

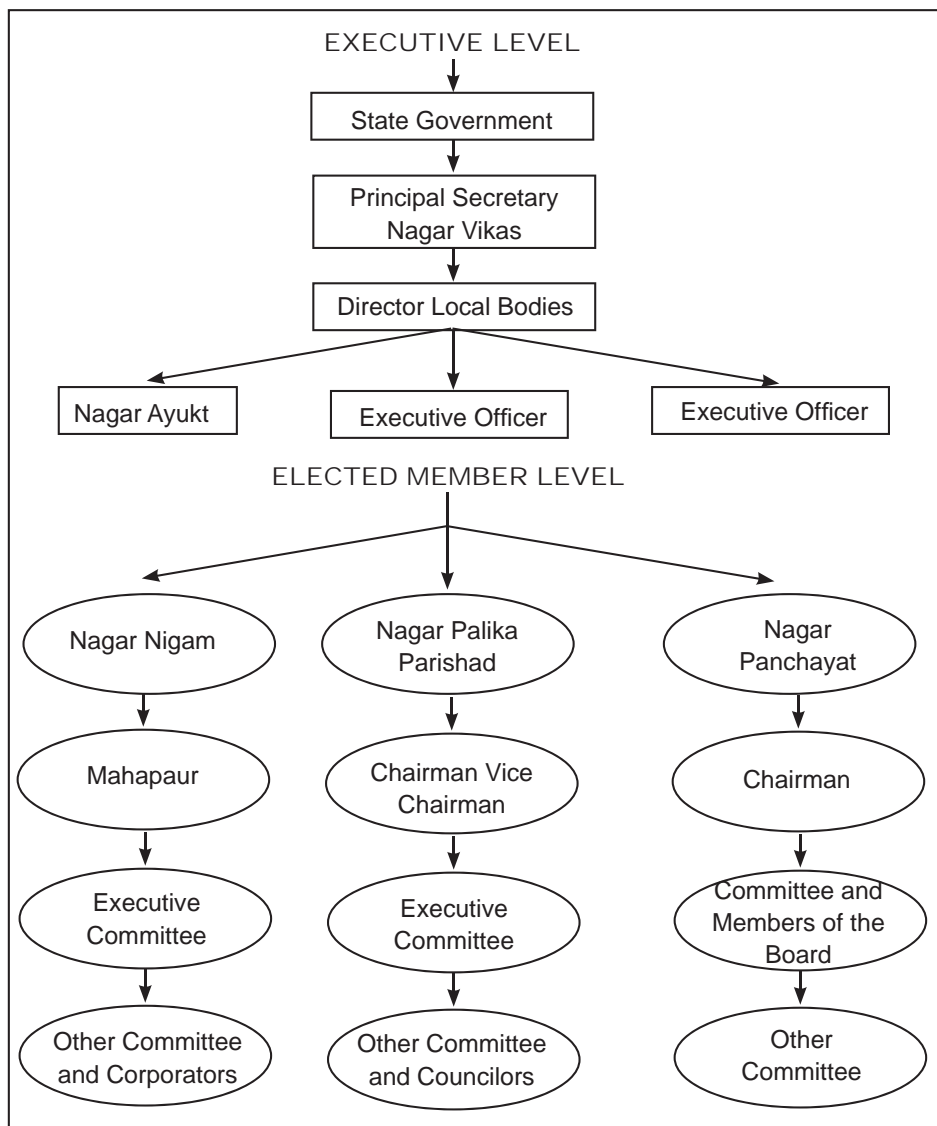
- ▶ The urban local government which works for the development of any Metropolitan City with a population of more than one million is known as the Municipal Corporation.
- ▶ The members of the Municipal Corporation are directly elected by the people and are called Councillors.
- ▶ The Municipal Corporation consists of a committee which includes a Mayor with Councillors.
- ▶ The Corporations provide necessary community services to the Metropolitan Cities and are formed under the Corporation Act of 1835 of the Panchayati Raj system.
- ▶ The Mayor heads the Municipal Corporation. The corporation remains under the charge of Municipal Commissioner. The Executive Officers along with the Mayor and Councillors monitor and implement the programs related to planning the development of the corporation.
- ▶ The number of Councillors also depends upon the area and population of the city. The elections to the Municipal Corporations are conducted under the guidance, direction, superintendence and control of the State Election Commission.
- ▶ The corporations fall under the State government jurisdiction, therefore there are no uniform provisions for the election of the municipal bodies.
- ▶ Its budget is prepared by Municipal Commissioner.

## ■ Municipal Council (Nagar Palika)

- ▶ It is set up with a population of more than 1 lakh and less than 5 lakhs. It consists of a Chairman/President (directly elected), a Deputy Chairman/Vice-President and 3 members.
- ▶ Strength of the elected members is 25 to 55 and nominated members is 3 to 5. There should be not more than 5 committees in council.

## ■ Nagar Panchayat

- ▶ It is set up with a population of more than 15,000 and less than 1 lakh. It has a committee consisting of a Chairman/the Mayor along with ward members.
- ▶ There are seats reserved for Scheduled Castes, Scheduled Tribes, backward classes and women in Nagar Panchayats.
- ▶ The ward/councillors are chosen by direct elections.
- ▶ Strength of the elected members are 10 to 24 and nominated members are 2 to 3.



## GOVERNANCE IN UTTAR PRADESH

### ■ Governance Reform Responses in Uttar Pradesh

- ▶ With the objective of ensuring the availability of regular and time bound certain public services to the public at large, the UP Public Interest Guarantee Act-2011 was implemented by the Department of Public Services Management. This department is entrusted with the task of notifying the various service proposals received from various departments.
- ▶ Under the aforesaid UP Public Interest Guarantee Act 2011, after considering the proposals from various departments around 237 services has been notified. Under the Act the responsibility of disposing off the application pertaining to the services shall be on the department concerned with that particular service.
- ▶ Under the said act, there is a provision of a time bound disposal of applications by the officer concerned, the first appellate officer, second appellate officer, etc.
- ▶ In order to ensure regular and timely attendance and presence of the employees in the office, 'Smart Card Reader' scheme was launched in the UP Secretariat in the year 2009.
- ▶ All vehicles entering the Secretariat are to be marked with RFID chips in order to prevent unauthorized vehicles from entering the premises.

- ▶ A scheme to cover the entire Secretariat premises with CCTV cameras is completed to monitor any suspicious activity and such a scheme is envisaged for all government offices in the near future.

## ■ e-Governance in Uttar Pradesh

Some Powerful and important projects under Uttar Pradesh Government are like:

### ○ Lokvani

- Lokvani is a Hindi word which means “The Voice of people”. This project started by the government for providing information like Birth Certificates, Death Certificates, Income Certificates, land record and job opportunity creation, under a single window.
- Lokvani is a public-private partnership project started in the district of Sitapur in Uttar Pradesh, India on 9 November 2004. After the success in Sitapur the project was replicated in all the 70 districts of Uttar-Pradesh.

### ○ E-suvidha

- e-Suvidha provides an interface to citizens to interact with government departments. Government of Uttar Pradesh has decided to create and develop an electronic connection between the common citizen and the Government Departments.
- e-Suvidha has projected to implement an Information Technology enabled Public Utility Interface across the state of Uttar Pradesh and to begin with initially in the city of Lucknow and selected Technology Partners through Open Tender for providing Total Solution Based Package Comprising of Hardware, Software and Connectivity for Deployment, Customization and Successful Implementation of e-Suvidha on Build Own Maintain Transfer (BoMT) financial model basis.

### ○ Darpan

- DARPAN is comprehensive, generic and configurable multilingual Dashboard product for Member of Parliament, Chief Ministers, Governors, Chief Secretaries, Divisional Commissioners and DMs/DCs across Districts & States.
- It facilitates presentation of real time data on Key Performance Indicators (KPIs) of selected schemes/projects to the senior functionaries of the State Government as well as District Administration which can be used for planning, evaluation and monitoring.
- It enhances analysis through data collection by consolidating multiple data sources into one centralized, easy-to-access platform. Identifying trends in data to gain enhanced perspectives of the projects, the dashboard allows users to personalize their view to prioritize the information they require.

### ○ Nivesh Mitra

- “NIVESH MITRA” is a dedicated Single Window System of Government of Uttar Pradesh to collaborate in the holistic development of industry friendly environment through progressive regulatory processes, efficient system and effective measurable timelines. The main objective of the system is to enable ‘ease of doing business in Uttar Pradesh’ through facilitating the entrepreneurs with the electronic based transparent system for online submission and tracking of applications including online fee payment.
- Entrepreneurs setting up small, medium & large scale industry have to file application forms mandatorily through this system. Nivesh Mitra provides the facility of online submission and updating of all forms required for various approvals by the entrepreneurs.
- Entrepreneurs can make payments towards processing fee of applications online through Internet Banking, Rajkosh and other online payment option.

### ○ E-Nagarsewa

- NIC, Uttar Pradesh has developed a responsive, scalable, adaptive and easy to use



e-Governance Application for urban citizens for various activities of urban governance named as e-NagarSewa.

- A citizen can register on the application, e-NagarSewa and can avail various online services. The application is implemented in two states namely Uttar Pradesh and Andaman & Nicobar Islands.
- In UP, it is covering 60 Amrut towns which will cover 16 Municipal Corporations and 44 Municipal Councils. In Andaman & Nicobar Islands, it is covering one Municipal Council namely Port Blair Municipal Council.
- The application has 20 Modules which are implemented in various Urban Local Bodies which are fully configurable and adaptive.
- The e-NagarSewa has services for ULB counters and Online services to the citizens. NIC UP is also selected as Nodal Department to provide services to ULB under Amrut & Smart City project of Government of India & implemented by Government of Uttar Pradesh.
- The e-NagarSewa is developed in such a way that it provides stable, reliable and scalable application. To have seamless e-governance services to the citizens, it is essential to have a better delivery mechanism, better information management and ensuring citizen participation in governance.
- E-NagarSewa intends to introduce automation and implementation of integrated framework for e-Governance by leveraging ICT with an aim to streamline, improve, and strengthen the functioning of Local Governments and service delivery to citizens.

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