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Political System of Uttar Pradesh

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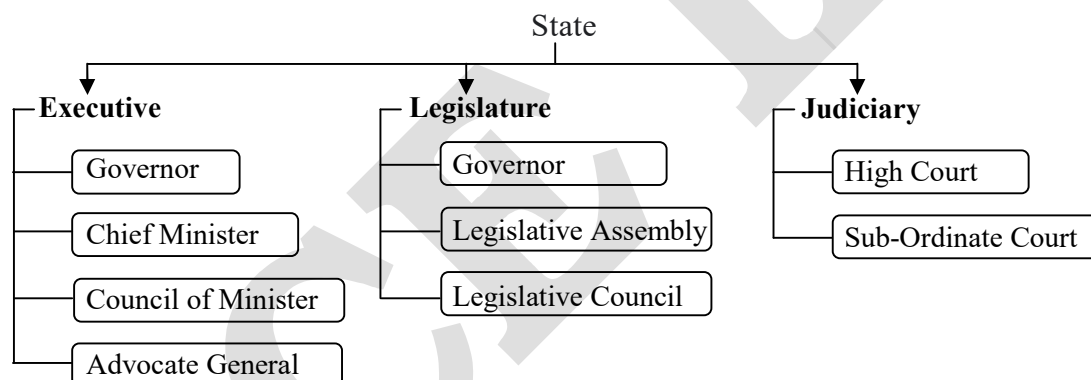
Raghuva Publication House

THE POLITICAL SYSTEM OF UTTAR PRADESH

Uttar Pradesh stands as one of the six states within India wherein a **bicameral state legislature** operates, composed of two distinct chambers: the **Vidhan Sabha (legislative assembly)** and the **Vidhan Parishad (legislative council)**. The governance of this state adheres to a parliamentary system characterized by representative democracy. It is noteworthy that Uttar Pradesh boasts the largest legislature within the Indian context.

The Indian Constitution establishes the framework for the nation's governance through a Parliamentary System, both at the Central and State levels. Part VI of the constitution is dedicated to delineating the principles governing the administration and governance of individual states. Consequently, the constitution has organized the administration of the state of Uttar Pradesh (U.P.) into three distinct branches, namely:

1. The Executive
2. The Legislature
3. The Judiciary



The Uttar Pradesh Assembly is constituted by elected members who serve a term of five years. In contrast, the Council is a permanent institution, with **one-third of its members (33 in total)** retiring every biennial cycle. The influence of the state of Uttar Pradesh on the political landscape of India is widely regarded as paramount, owing to its substantial representation in both the Lok Sabha and the Rajya Sabha. To elaborate, Uttar Pradesh contributes significantly to the Indian Parliament, with 80 seats in the Lok Sabha, the lower house, and 31 seats in the Rajya Sabha, the upper house.

The leadership of the government is vested in the Governor, who serves as the constitutional representative of the state. The Governor's term spans five years, during which their primary responsibility is to appoint a Chief Minister and the Council of Ministers, who are charged with the execution of all government activities in accordance with the law. The Council of Ministers comprises both cabinet ministers and ministers of state.

Facilitating the functioning of the Council of Ministers is an administrative figure known as the Chief Secretary, who holds a dual role as the head of the government and provides support to the Council in their duties.

Uttar Pradesh predominantly operates within a multi-party-political framework. The Election Commission of India is responsible for the registration of political parties eligible to participate in both state and national elections. To attain recognition as a State Party, a political entity must demonstrate a consistent engagement in political activities spanning five consecutive years.

Additionally, the party must secure a minimum representation of at least 4 percent of seats in the lower house of India, i.e., the Lok Sabha, or 3.33 percent of seats in the State assembly. Some of the major political parties of Uttar Pradesh are:

- **Bharatiya Janata Party (BJP):** Presently holding the governing mandate in Uttar Pradesh, under the leadership of Chief Minister Yogi Adityanath. The official headquarters of the Bharatiya Janata Party in the state are situated at BJP Bhavan, Vidhan Sabha Marg, Lucknow.
- **Samajwadi Party (SP):** Established on the 4th of October, 1992, the Samajwadi Party, also recognized as the socialist party, is led by Akhilesh Yadav, who serves as its president and chairperson.
- **Bahujan Samaj Party (BSP):** A nationally significant political entity in India, the Bahujan Samaj Party (BSP) was founded with the aim of advocating for Bahujans, a term encompassing Scheduled Castes, Scheduled Tribes, Other Backward Classes (OBC), as well as religious minority groups. The party is headed by Kumari Mayawati as its president.
- **Communist Party of India:** A noteworthy political presence in Uttar Pradesh, the Communist Party of India is alternatively known as the Marxist-Leninist Liberation Party. It is led by Dipankar Bhattacharyya.
- **Apna Dal (Sonelal):** Apna Dal, also referred to as Sonelal, holds significance as a regional and influential political party within Uttar Pradesh. Anupriya Patel serves as the chairperson of this party.

In Uttar Pradesh, the administrative framework in districts follows a hierarchical structure consisting of three tiers:

- **The first level:** At the topmost level, there are high-ranking officials such as the **Collector, District Magistrate, or Superintendent of Police**. These officials exercise authority over the entire district within their jurisdiction. They play a crucial role in overall governance and administration. They are typically officers from the Uttar Pradesh Civil Service, Police Services, and other administrative services.
- **The second level:** This level comprises the territorial sphere of the district. It includes entities such as tehsils, blocks, or Panchayat Samitis. Tehsils are intermediate administrative units that consist of several villages and are headed by Tehsildars. Blocks are larger administrative divisions that encompass multiple tehsils and are led by Block Development Officers (BDOs). Panchayat Samitis are local self-government institutions that coordinate and oversee the functioning of village Panchayats within their jurisdiction.
- **The grassroots level:** At the bottommost level, there are institutions like Village Panchayats, Nyaya Panchayats, and Patwaris. Village Panchayats are elected bodies at the village level responsible for local governance and development. They work towards addressing the needs of the village community. Nyaya Panchayats serve as local dispute resolution forums to settle minor civil and criminal matters. Patwaris are village-level revenue officials responsible for maintaining land records, collecting taxes, and assisting in revenue-related matters.

This three-tier administrative framework in Uttar Pradesh ensures effective governance and decentralized decision-making at different levels. It enables the implementation of policies, coordination of services, and delivery of public services to the citizens residing within the district.

GOVERNOR OF UP

Governor

Article 153 stipulates that every State shall have a designated Governor, while acknowledging that this provision does not prohibit the appointment of an individual as Governor for multiple States. The authority of the State Governor encompasses the executive powers of the State, which can be wielded either directly or indirectly through subordinate officers as outlined in the Constitution, as delineated in Article 154. The President is responsible for the appointment of State Governors through the issuance of a warrant bearing his signature and seal, as stated in Article 155.

- **Qualifications and conditions for appointment as a Governor:**

- He/She must be a citizen of India.
- He/She must be thirty-five years of age or more.
- The Governor shall not be a member of either House of Parliament or of a House of the Legislature of State. any
- The Governor shall not hold any other office of profit.
- Some other articles related to the Governor Oath and Affirmation by the Governor

Some other articles related to the Governor

Article 159	Oath and Affirmation by the Governor
Article 160	Discharge of the functions of the Governor in certain Contingencies
Article 161	Power of Governor to grant pardons, etc. and to suspend, remit or commute sentences in certain cases
Article 162	Extent of executive power of State

Powers of Governor

The Governor of Uttar Pradesh, akin to their counterparts in other Indian states, assumes the constitutional mantle as the head of the state. The Constitution of India meticulously delineates the purview and obligations of the Governor. The principal roles and duties of the Governor of Uttar Pradesh are elucidated as follows:

Executive Authority: The Governor exercises executive authority and serves as the emissary of the President of India within the state. The Governor, in accordance with the prevailing majority party or coalition in the Legislative Assembly, appoints the Chief Minister and other members of the Council of Ministers. Additionally, the Governor assumes the prerogative of appointing the Advocate General and the Chairperson and members of the State Public Service Commission.

Legislative Function: The Governor assumes a pivotal role in the legislative machinery of the state. Before a bill can be enacted into law, the Governor must provide assent to bills passed by the Legislative Assembly. In cases where a bill is earmarked for the President of India's consideration, the Governor conveys the President's decision.

Convening and Concluding Legislative Sessions: The Governor convenes and concludes sessions of the Legislative Assembly. Furthermore, the Governor retains the authority to dissolve the

Legislative Assembly in certain circumstances, such as the loss of a government's majority or the culmination of the Assembly's term.

Discretionary Authority: The Governor wields discretionary authority, which may be exercised in specific situations. For instance, the Governor may appoint a Chief Minister even in cases where the majority is in need of clarification or recommend the imposition of President's Rule in the state should there be a disturbance in the constitutional apparatus.

Appointment of High Court Judges: The Governor assumes a role in the appointment of judges to the state's High Court. This process entails consultation with the Chief Justice of the High Court and the Chief Justice of India in the selection of suitable candidates for judicial positions.

Chancellorship of Universities: The Governor serves as the Chancellor of state universities. In this capacity, the Governor shoulders particular responsibilities, including the appointment of Vice-Chancellors and other officials within the purview of these educational institutions.

Discharge of Constitutional Obligations: The Governor bears the responsibility of ensuring the effective functioning of constitutional institutions and governance within the state. They serve as a vital link connecting the state government, central government, and the state with the President of India. It's important to note that the **Governor's powers and functions are subject to the provisions of the Constitution and are exercised on the aid and advice of the Council of Ministers led by the Chief Minister.** The Governor's role is primarily ceremonial, but they also have certain discretionary powers that can be used in exceptional circumstances.

Important facts

- The current Governor of UP is Anandiben Patel.
- The Governor cannot Pardon a Death sentence.
- The assent of the Governor is no longer required if
- The governor reserves a bill for the consideration of the President.

Comparison of President and Governor Office	
Governor	President
Governor is the constitutional head of state.	President is the constitutional head of the Republic
Governor has got the power to grant pardons, reprieves, respites and remissions in criminal sentences except death penalty.	President can grant pardon to any person sentenced under a Union law, including death penalty.
Governor can promulgate ordinances if the state legislature is not in session (Article 213)	President can, if both the House are not in session, promulgate ordinances (Article 123)
He is not elected, but appointed.	He is elected by the electoral college.
Remains in the office as long as he enjoys the pleasure of the President.	He can be removed from the office through the procedure of impeachment, as described in constitution

Office of Governor and the Disputes related to it

In the past few decades, many disputes have arisen around the office of the Governor. The underlying reason is the discretionary powers of the Governor. It all started in 1959, when the Government of Kerala was dismissed, and continues to haunt our political system.

The most contentious power of Governor is his discretion. The Supreme Court in its various judgements has clearly stated that Governor's discretion is subject to judicial review. Some of those judgements are briefly mentioned below.

Jagdambika pal vs. Union of India and Others

In the year 1998, the then incumbent Governor of Uttar Pradesh, Mr. Ramesh Bhandari, dismissed the Kalyan Singh government, and appointed Jagdambika Pal of Loktantrik Congress as Chief Minister of Uttar Pradesh. BJP challenged this action in the Supreme Court. The Supreme Court ordered a composite floor test in its judgement. In the subsequent composite floor test, Kalyan Singh received 225 votes against Jagdambika Pal who got only 196 votes. After this, Jagdambika Pal had to resign from his office, within 24 hours. While Governor had rejected the proposal of such a test initially, he had to comply after the judgement of Supreme Court.

Now, what is a composite floor test?

When more than one person claims majority in the house and the mandate is not clear, the governor can summon a special session to determine the leader of the house. Supreme Court states that such test will also be conducted in the house and not in Raj Bhawan.

S.R. Bommai Case

This judgement of the Supreme Court is considered to be a 'milestone' judgement in the dispute of Governor's discretionary power. Supreme Court stated that the majority enjoyed by the council of ministers shall be tested on the floor of the house.

S.R. Bommai was the then CM of Karnataka whose government was dismissed under Article 356 (1) on the recommendation of the Governor because it does not command the majority in the house. Bommai challenged this decision in High Court and then Supreme Court. On 11 March 1994, a nine-member bench of the apex court asked Bommai to form government once again on the account that they have not yet had the opportunity to prove a majority on the floor of the house.

Shivraj Singh Chauhan vs. Speaker, Legislature Assembly of Madhya Pradesh 2020

Supreme Court validated the decision of contemporary Governor Lalji Tandon in which he had asked the Chief Minister kamalnath to prove majority in the house.

Relation between Governor and Chief Minister

The dynamic between the Governor and the Chief Minister within a state stands as a pivotal facet of its governance and administration. While both occupy significant positions, their roles and responsibilities remain distinct, influencing the efficacy of the state government. The ensuing points elucidate their relationship:

- **Appointment:** The Governor assumes the task of appointing the Chief Minister. Following state elections, the Governor extends an invitation to the leader of the political party or coalition commanding a majority in the state assembly to form the government. This appointment aligns with the principles of parliamentary democracy and the backing of the majority.
- **Executive Authority:** The Chief Minister assumes the mantle of leadership within the state government, wielding executive powers. They shoulder the responsibility of policy implementation, administrative decision-making, and the day-to-day operations of the state. Conversely, the Governor's executive powers remain circumscribed, serving as a constitutional figurehead.
- **Advice and Consultation:** The Chief Minister plays an advisory role to the Governor on matters pertaining to state governance. The Governor may solicit the Chief Minister's insights

and recommendations on various issues, although adherence to such counsel is not obligatory. The Chief Minister's function is to support and guide the Governor in matters of governance.

- **Legislative Functions:** As the leader of the ruling party or coalition, the Chief Minister assumes a prominent position in the state assembly. They bear the responsibility of presenting government policies and legislative proposals before the assembly. In contrast, the Governor, as the head of the state, holds authority to convene, prorogue, and dissolve the state assembly. Additionally, they grant assent to bills ratified by the assembly.
- **Interactions and Communication:** The Chief Minister and the Governor engage in various interactions, spanning the formation of the government, the inauguration and adjournment of assembly sessions, and other official occasions. They engage in discourse concerning state administration, policies, and pivotal issues impacting the state.
- **Constitutional Checks and Balances:** The Governor serves as a mechanism to check the powers of the state government. They possess the prerogative to forward reports to the President detailing the state's administration and may reserve specific bills for the President's deliberation. Nevertheless, it remains imperative to maintain a judicious equilibrium to uphold democratic principles and the federal structure.

Role and responsibilities of Chief Minister and His Council

Chief Minister

Article 164 dictates that the appointment of a Chief Minister is within the purview of the Governor. Typically, the Chief Minister is selected from the leader of the majority party. The substantive executive authority is vested in the Chief Minister. Currently, Yogi Adityanath of the Bharatiya Janata Party has held the position of Chief Minister in Uttar Pradesh since March 19, 2017.

Duties of the Chief Minister as Mentioned in Article 167

Article 167 of the Indian Constitution outlines the duties of the Chief Minister, which can be summarized as follows:

- **Communicate with the Governor:** The Chief Minister is responsible for keeping the Governor informed about the decisions of the Council of Ministers relating to the administration of the state and legislative proposals.
- **Information on Administrative Affairs:** The Chief Minister must provide the Governor with information regarding the decisions and proposals concerning the administration of the state.
- **Submit Matters for Consideration:** If the Governor so directs, the Chief Minister must submit any matter on which a minister has decided but has not yet been considered by the Council of Ministers for their review.

Term of the Office

The term of office for a Chief Minister is not fixed by the Constitution. Instead, it is contingent on the Chief Minister's ability to maintain the confidence of the majority in the state's legislative assembly. Here's how it works:

- **Election and Appointment:** The Chief Minister is typically the leader of the majority party or coalition in the state legislative assembly. After the assembly elections, the Governor invites the leader of the majority party or coalition to form the government and become the Chief Minister.

- **Tenure During Majority Support:** As long as the Chief Minister enjoys the support of the majority of members in the legislative assembly, they can continue in office. This support is demonstrated through votes on important bills, budgets, and confidence motions.
- **Resignation or Removal:** The Chief Minister may resign voluntarily or be removed from office if they lose the majority support. They can also be dismissed by the Governor in specific circumstances, but this decision is subject to judicial review.
- **Fixed Legislative Term:** The Chief Minister's tenure is linked to the legislative assembly's term, which is typically five years. If the assembly is dissolved before completing its term and new elections are called, the Chief Minister's term ends, and a new one may be appointed based on the results of the elections.

There is no fixed term for the office of the Chief Minister. He holds office during the pleasure of the Governor. The Governor cannot dismiss the Chief Minister as long as he enjoys the majority support in the legislative assembly.

Council of Ministers

- Article 163 states that there shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor.
- Article 164 provides that the Governor shall appoint the Council of Ministers on the advice of the Chief Minister. They are collectively responsible to the legislative assembly of the State.

Other Important Articles Related to the Council of Ministers

Article 166	Conduct of business of the State government.
Article 177	Rights of ministers as respect the Houses.

Composition

It comprises three types of ministers.

1. Chief Minister
2. Cabinet Ministers
3. Ministers of State

Importance of Council of Ministers in Uttar Pradesh Government

The Council of Ministers in the Uttar Pradesh Government plays a crucial role in the functioning and governance of the state. Here are some key points highlighting the importance of the Council of Ministers:

- **Policy Formulation:** The Council of Ministers assists the Chief Minister in formulating policies and making important decisions related to the state's governance. They bring diverse perspectives, expertise, and experience, enabling comprehensive policy discussions and analysis. The Council's collective wisdom helps shape the state's development agenda and address various challenges.
- **Administrative Responsibilities:** Each minister in the Council is responsible for a specific portfolio or department. They oversee the implementation of policies, programs, and projects

related to their respective ministries. The Council of Ministers collectively ensures the efficient and effective functioning of the government machinery in Uttar Pradesh.

- **Division of Work:** The Council of Ministers enables the division of work and delegation of responsibilities. Each minister focuses on their designated area and takes charge of its development, management, and performance. This division of work facilitates specialisation and ensures that different aspects of governance receive adequate attention.
- **Representation and Participation:** The Council of Ministers represents different regions, communities, and interests within Uttar Pradesh. They bring diverse perspectives and voices to the decision-making process, ensuring that various sections of society are represented, and their concerns are addressed. This inclusivity enhances the legitimacy and responsiveness of the government.
- **Legislative Engagement:** Ministers in the Council play a crucial role in the legislative process. They are responsible for presenting bills, answering questions, and participating in debates in the state assembly. They provide the government's perspective, defend government policies, and seek the assembly's support for proposed legislation. The Council of Ministers works with the Chief Minister to garner legislative support for the government's agenda.
- **Coordination and Collaboration:** The Council of Ministers fosters coordination and collaboration among departments and ministries. They work together to ensure coherence in policy implementation, resolve inter-departmental issues, and promote integrated approaches to governance. This coordination helps in achieving synergies and avoiding duplication of efforts.
- **Crisis Management:** In emergencies, natural disasters, or other critical situations, the Council of Ministers plays a crucial role in crisis management. They provide leadership, make quick decisions, and effectively mobilise resources to address the situation. The collective strength and expertise of the Council enable a coordinated and swift response.

State Assembly and State Council

The State of Uttar Pradesh has a bicameral legislature comprising Legislative Assembly, the lower house and Legislative Council, the upper house.

A. State Assembly

A state assembly, also known as a legislative assembly or state legislature, is a deliberative body representing a particular state's people within a federal system of government. It is the primary legislative branch at the state level and is responsible for making and enacting laws specific to the state's jurisdiction.

- The state assembly typically consists of elected representatives who serve as legislators and are responsible for representing their respective constituencies. The number of members in a state assembly varies from state to state, depending on each state's population and legislative framework.

The primary functions of a state assembly include:

- **Lawmaking:** Members of the state assembly propose, debate, and pass laws that govern the state.
- **Representation:** State assembly members represent the interests and concerns of their constituents and act as their voice in the legislative process.

- **Oversight:** The state assembly oversees the functioning of the state government and ensures accountability.
- **Budgeting:** The state assembly is crucial in approving the state budget and allocating funds for various government programs and services.

B. State Council

The term "state council" can have different meanings depending on the country and context. In some countries, a state council refers to the highest executive body within a state or regional government. It serves as an advisory and administrative body, assisting the head of the state or regional government in decision-making and policy implementation.

In other contexts, a state council may refer to a legislative body at the state level that complements or works alongside the state assembly. Depending on the country or region, this council may have different names, such as the state senate or upper house. Its primary function is to provide checks and balances to the state assembly by reviewing and scrutinizing legislation proposed by the assembly.

There are 403 elected members in Uttar Pradesh Legislative Assembly and 100 in Legislative Council.

Articles related to the State Legislature

Article 168	Constitution of Legislatures in States
Article 169	Abolition or creation of Legislative Councils in States
Article 170	Composition of Legislative Assemblies
Article 171	Composition of Legislative Councils
Article 172	Duration of State Legislature
Article 173	Qualification for membership of the State Legislature
Article 174	Sessions of the State Legislature. prorogation and dissolution

CENTER-UP STATE RELATIONS

Legislative Relations

- In Part IX of the Constitution, Article 245 to 255 are dedicated to delineating the legislative dynamics between the Central Government and the States.
- These articles intricately apportion legislative authority between the Central Government and the States concerning both the geographical extent and the domains of legislation.
- The Constitution meticulously defines the geographical boundaries within which legislative powers are vested, as follows:
 1. Parliament possesses the authority to enact laws that encompass the entirety or specific segments of Indian territory, encompassing the States, Union Territories, and any additional regions incorporated within India's territorial expanse.
 2. A State Legislature is empowered to formulate laws for the whole or particular regions within the state's borders. These laws typically do not extend beyond the state's boundaries, except when there exists a substantial connection between the state and the legislative objective.

3. The exclusive prerogative to enact 'extra-territorial legislation' is vested solely in the Parliament.

Schemes and Plans implemented by the Central Government in collaboration with the state government of Uttar Pradesh:

- **Pradhan Mantri Awas Yojana (PMAY):** Under this scheme, the central government provides financial assistance and subsidies to support the construction and renovation of houses for economically weaker sections and low-income groups. The scheme has been implemented in Uttar Pradesh, aiming to provide affordable housing to eligible beneficiaries.
- **Swachh Bharat Mission (SBM):** The Swachh Bharat Mission is a nationwide cleanliness and sanitation campaign. The central government has partnered with the state government of Uttar Pradesh to implement this initiative, focusing on constructing toilets, promoting hygiene practices, and ensuring safe waste disposal.
- **Pradhan Mantri Jan Dhan Yojana (PMJDY):** This scheme aims to provide financial inclusion by opening bank accounts for unbanked individuals. The central government has implemented PMJDY in Uttar Pradesh, helping people in rural and urban areas to access banking services, insurance, and government subsidies directly.
- **Atal Mission for Rejuvenation and Urban Transformation (AMRUT):** The AMRUT scheme focuses on improving basic infrastructure and service delivery in urban areas. Uttar Pradesh has benefited from this scheme, with funds allocated for water supply, sewage management, solid waste management, and urban transport projects.
- **Pradhan Mantri Ujjwala Yojana (PMUY):** This scheme aims to provide clean cooking fuel to households below the poverty line. Under PMUY, the central government provides LPG connections to eligible women in rural areas. Uttar Pradesh has been actively implementing this scheme to reduce dependence on traditional cooking fuels like wood or coal.
- **Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (PMJAY):** This flagship healthcare scheme provides health insurance coverage to economically vulnerable individuals and families. In Uttar Pradesh, PMJAY has been implemented to provide financial protection against hospitalization expenses and access to quality healthcare services.

Administrative Relations.

- Articles 256 to 263 in Part XI of the Constitution deal with the administrative relations between the Centre and the states. In addition, there are various other articles pertaining to the same matter.
- The Scheme of Allocation administrative responsibilities is drawn for:
 - The administration of law.
 - administrative Achieving coordination between the centre and State.
 - The element of disputes between the centre and state.

The administrative relations between the central government and the state government of Uttar Pradesh involve coordination, collaboration, and implementing various schemes and plans. Here are some examples:

- **Goods and Services Tax (GST):** The central government introduced the GST, a comprehensive indirect tax reform requiring coordination between the central and state

governments. Like other states, Uttar Pradesh implemented the GST regime to streamline taxation and boost economic growth.

- **Smart Cities Mission:** The Smart Cities Mission is an urban renewal program launched by the central government. Under this mission, select cities across the country, including cities in Uttar Pradesh such as Lucknow, Varanasi, and Agra, receive financial support and technical assistance to develop into smart cities. The central and state governments collaborate to implement infrastructure, technology, and sustainable development projects in these cities.
- **Digital India Initiative:** The Digital India Initiative focuses on transforming India into a digitally empowered society and knowledge economy. The central government collaborates with the state government of Uttar Pradesh to implement digital infrastructure projects, promote e-governance, enhance digital literacy, and deliver online services to citizens.
- **National Rural Health Mission (NRHM):** The NRHM is a centrally-sponsored program to improve healthcare facilities in rural areas. Like other states, Uttar Pradesh implements the NRHM to strengthen primary healthcare infrastructure, provide essential healthcare services, and enhance access to quality healthcare for rural populations.
- **Pradhan Mantri Kisan Samman Nidhi (PM-KISAN):** The PM-KISAN scheme is an income support initiative for farmers. Through direct bank transfers, the central government provides direct income support to eligible farmers, including those in Uttar Pradesh. The state government cooperates in identifying eligible beneficiaries and facilitating the disbursement of funds.
- **Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA):** MGNREGA is a centrally sponsored scheme that guarantees employment to rural households. The central and state governments collaborate to implement the scheme in Uttar Pradesh, providing job opportunities and wages to individuals for unskilled manual work, which contributes to rural development and poverty alleviation.

Financial Relations

- Articles from 268 to 293 in Part XII of the Constitution deal with Centre-state financial relations.
- All the levels of the government must have adequate finance at their disposal.
- If the centre and states' legislative and administrative authority must be maintained, they must be financially autonomous.

Schemes and Plans implemented by the Central Government in collaboration with the state government of Uttar Pradesh:

- **Finance Commission:** The Finance Commission is a constitutional body that determines the distribution of financial resources between the central government and the state governments. It recommends sharing tax revenues and grants-in-aid to states, including Uttar Pradesh, based on population, fiscal capacity, and developmental needs.
- **Centrally Sponsored Schemes (CSS):** The central government implements various CSS in collaboration with the state government of Uttar Pradesh. These schemes cover education, healthcare, rural development, infrastructure, and social welfare. Examples include the National Health Mission, Sarva Shiksha Abhiyan, Pradhan Mantri Gram Sadak Yojana, and National Rural Livelihoods Mission.

- **Backward Regions Grant Fund (BRGF):** The BRGF is a central government scheme aimed at providing financial assistance for the development of backward regions. Under BRGF, funds are allocated to backward districts of Uttar Pradesh to address regional imbalances, promote inclusive growth, and enhance infrastructure and basic services.
- **Goods and Services Tax (GST) Compensation:** The implementation of GST resulted in the central government compensating states for any revenue loss during the initial years of the GST rollout. Like other states, Uttar Pradesh receives GST compensation to ensure a smooth transition to the new indirect tax regime.
- **Disaster Relief and Assistance:** In times of natural disasters or calamities such as floods, cyclones, or earthquakes, the central government provides financial assistance to the state government of Uttar Pradesh for relief and rehabilitation efforts. These funds are utilised for immediate relief, infrastructure restoration, and rehabilitation of affected individuals and communities.
- **National Social Assistance Program (NSAP):** The NSAP is a centrally sponsored program that provides financial assistance to the elderly, widows, and persons with disabilities living below the poverty line. The central government supports the implementation of NSAP in Uttar Pradesh, ensuring that eligible beneficiaries receive social security pensions.

Relations during Emergency

- **National Emergency (Art. 352)** the Centre becomes entitled to give executive directions to a state on 'any' matter. Thus, the state governments are brought under the complete control of the Centre, though they are not suspended.
- **President's Rule (Art. 356)-** the President can assume the state government's functions and powers vested in the Governor or any other executive authority in the state.
- **Financial Emergency (Art. 360)** - the Centre can direct the states to observe canons of financial propriety. It can give other necessary directions, including the reduction of salaries of persons serving in the state.

The political system in Uttar Pradesh has its strengths and weaknesses. Here is a critical analysis of the political system in Uttar Pradesh:

Strengths:

- **Size and Influence:** Uttar Pradesh is the most populous state in India, giving it significant political weight. The state's size and influence make it a crucial player in national politics, with a large number of parliamentary seats that can shape the political landscape at the centre.
- **Electoral Significance:** Uttar Pradesh has been known for its politically competitive environment. Elections in the state often witness intense campaigning and electoral battles. The state's diverse demography and regional variations make it an interesting political battleground, reflecting the democratic ethos of the country.
- **Representation:** Uttar Pradesh sends a substantial number of representatives to the Parliament of India, ensuring a fair share of political representation at the national level. This allows the state to voice its concerns and aspirations effectively.

Issues in Governance

- **Caste and Identity Politics:** Uttar Pradesh has a history of caste-based politics, where political parties often rely on mobilizing support based on caste or identity considerations rather than solely on governance and developmental issues. This can lead to a fragmented political landscape and hinder overall progress.
- **Governance Challenges:** The state has faced governance challenges, including issues related to law and order, corruption, and bureaucratic inefficiency. These challenges can impact the delivery of public services and hinder the state's development and progress.
- **Socio-economic Disparities:** Uttar Pradesh has significant socio-economic disparities, with pockets of poverty and underdevelopment. Bridging these disparities and ensuring inclusive growth across the state remains a critical challenge for the political system.
- **Political Instability:** Uttar Pradesh has witnessed frequent changes in government due to political realignments, coalition politics, and internal party dynamics. This can lead to governance disruptions and hamper long-term policy planning and implementation.
- **Electoral Violence:** Elections in Uttar Pradesh have often been marred by incidents of violence, clashes between political factions, and electoral malpractices. These issues undermine the democratic process and raise concerns about free and fair elections.

Overall, the political system in Uttar Pradesh has its strengths in terms of electoral significance and representation. Still, it faces challenges from caste-based politics, governance, socio-economic disparities, political instability, and electoral violence. Addressing these challenges requires sustained efforts from political leaders, civil society, and citizens to promote good governance, inclusive development, and a more issue-based approach to politics.

Advocate-General

The office of Advocate-General is a constitutional office. He is the senior most law officer in the state, who is appointed by the Governor. Such a person should be eligible for being appointed as a judge of the High Court. His tenure is subject to the pleasure of the Governor and can be dismissed at any time by him. He acts as a legal advisor to the state government and has the right to audience by the virtue in all the court of the state.

He can also participate but cannot vote during the proceedings of the house. **The current Advocate-General of Uttar Pradesh is Ajay Kumar Mishra.**

Issues in Relation Between Centre And Uttar Pradesh

Inclusion in SC List

- On June 24, 2019, the Uttar Pradesh government directed district magistrates and commissioners across the state to issue SC certificates to members of 17 OBC groups Nishad, Bind, Mallah, Kewat, Kashyap, Bhar, Dhivar, Batham, Machua, Prajapati, Rajbhar, Kahar, Pottar, Dhimar, Manjhi, Tuhaha and Gaur.
- The order that they [the UP government] issued is incorrect and unconstitutional, according to the union government. There was disquiet within the Union social justice ministry over the manner in which the changes were being implemented. Any inclusion or change in the SC lists is under the purview of Parliament. The state government has justified the action by claiming

that it wants to make more space for communities that haven't been able to take benefit of the OBC quota.

- Also, the Mulayam Singh Yadav-led Samajwadi Party government passed an order in 2005 to include castes from the OBC list to the SC list, however the Allahabad High Court revoked the order.
- Prior to the 2017 assembly elections, the Akhilesh Yadav led SP government cleared a proposal to include the same castes, but the order was again stopped by the court.

Demand of High Court Bench

- The demand for setting up a new bench of Allahabad High Court in western Uttar Pradesh has been pending for quite some time. However, the Union government made it clear in Parliament that it hadn't received a complete proposal for the creation of a new bench of Allahabad High Court in Uttar Pradesh.
- The decades-long agitation was there for a high court bench in western Uttar Pradesh, dating back to 1971. The agitation for an Agra high court bench grew gradually, and in 1980, Narain Dutt Tiwari, then-chief minister of Uttar Pradesh, brought up the issue with the late Indira Gandhi, the prime minister at that time. In a letter to Prime Minister Indira Gandhi, he sought the formation of a commission to work out a location for high court bench in western Uttar Pradesh.
- While less populous states like Maharashtra, West Bengal, Madhya Pradesh, and Karnataka have more than one bench to reduce the travel distances for residents, Uttar Pradesh has just one bench in Lucknow, outside of its principal seat in the city of Prayagraj.
- While the Madhya Pradesh High Court has two additional benches in Indore and Gwalior in addition to its principal seat in Jabalpur, the Bombay High Court has two additional benches in the state of Maharashtra in the cities of Nagpur and Aurangabad.
- Similarly, Karnataka High Court also has two additional benches in Gulbarga and Dharwad in addition to its principal seat in the state capital Bangalore. In addition to its principal seat in Jodhpur, the Rajasthan High Court also has a bench in Jaipur. Madras High Court has an additional bench in Madurai in addition to its main bench located in the state capital Chennai.
- As per the recommendations made by the Jaswant Singh Commission and judgment pronounced by the Supreme Court, new benches of a high court are established after due consideration of a complete proposal from the state government.

Resolution of Years-old Dispute

Between Uttar Pradesh-Uttarakhand

On May 5, 2022, Uttar Pradesh Chief Minister Yogi Adityanath and Uttarakhand Chief Minister Pushkar Singh Dhami held a joint press conference and informed that the 21-year-old dispute of assets between the two states has finally been resolved.

- Under the solution, Alaknanda Hotel has been given to the Uttarakhand government and the Bhagirathi hotel has been given to the UP government. It may be recalled that the Bhagirathi Tourist Accommodation Home has been constructed on the land given by the Uttarakhand government in lieu of the Alaknanda Hotel.
- Built in Haridwar in 2964 square meters at a cost of 43.26 crore, this Bhagirathi tourist accommodation home has 100 rooms.
- It is worth mentioning that one of the many disputed properties between the two states was the Hotel Alaknanda. To address this, official level talks were initiated by the then Chief Minister of Uttarakhand Trivendra Singh Rawat and Uttar Pradesh Chief Minister Yogi Adityanath.

Inter-State River Water Disputes

Interstate water disputes arise when there is a dispute between two or more states on the use, distribution and control of rivers flowing in two or more states. When the concerned states cannot resolve disputes through negotiations then the Central Government constitutes a water dispute tribunal for resolving the water dispute. Followings are the Inter-State Water disputes of Uttar Pradesh:

The Yamuna Water Dispute	Uttar Pradesh, Haryana, Himachal Pradesh, Punjab, Rajasthan, Madhaya Pradesh and Delhi
The Karmanasa River Water Dispute	Uttar Pradesh and Bihar

Inter-State River Water Disputes Act, 1956

- The Interstate River Water Disputes Act, 1956 (IRWD Act) is an Act of the Parliament of India enacted under Article 262 of Constitution of India on the eve of reorganization of states on linguistic basis to resolve the water disputes that would arise in the use, control and distribution of an interstate river or river valley.
- Whenever the riparian states are not able to reach amicable agreements on their own in sharing of interstate river water, section 4 of IRWD Act provides dispute resolution process in the form of Tribunal.

Inter-State River Water

Disputes (Amendment) Bill, 2019

The latest amendment to this Act was introduced in Lok Sabha on July 25, 2019. It will further streamline the adjudication of inter-State River water disputes. The Bill seeks to amend the Inter-State River Water Disputes Act, 1956 with a view to streamline the adjudication of inter-state river water disputes and make the present institutional architecture robust.

Inter-State Council

- The inter-state council is a recommendatory body that has been empowered to investigate and discuss subjects of common interest between the Union and state(s), or among states. It also makes recommendations for better coordination of policy and action on these subjects, and deliberations on matters of general interest to the states, which may be referred to it by its chairman.
- It also deliberates on other matters of general interest to the states as may be referred by the chairman to the council. The Council may meet at least thrice in a year. There is also a Standing Committee of the Council.

Zonal Councils

- Zonal Councils are the statutory (and not the constitutional) bodies. They are established by an Act of Parliament, that is, States Reorganisation Act of 1956. The act divided the country into five zones Northern, Central, Eastern, Western and Southern and provided a zonal council for each zone.
- **While forming these zones, several factors have been taken into account which include:** the natural divisions of the country, the river systems and means of communication, the cultural and linguistic affinity and the requirements of economic development, security and law and order.

Sarkaria Commission

Government vide Ministry of Home Affairs dated June 9, 1983, constituted a Commission under the Chairmanship of Justice R.S. Sarkaria with Shri B. Sivaraman and Dr S.R. Sen as its members to reviewing the working of the existing arrangements between the Union and the States in the changed socio-economic scenario.

Way Forward

- **Land Survey-based Boundary Demarcation:** The states must set up state committees to work with a survey of India and other neutral agencies for land surveys.
- **Involving Indigenous Communities:** The local communities can also be engaged in this demarcation of borders.
- **Creating No-man's Land:** The centre must remove the encroachments from both sides devise a "no lose" (non- zero sum) solution to territory dispute.
- **Strengthening of Inter-State Councils and Zonal Councils:** Frequent meetings of these Councils for convergence of interests between states and suggest institutional solutions to benefit both by dispute resolution.

Practice Questions

1. Write a critical note on problems and reforms of administrative system In Uttar Pradesh. (2002)
2. What are the main issues between Central Government and U.P Government that affect the relations between them? Discuss briefly?