


Class 4

↗ course	 <u>Constitution of India, Cyber Law and Professional Ethics</u>
⚙ mastery	none
⚙ progress	not started

State Executive

- Made of Governor, CM, Council of Minister, Advocate General of the State; Article 153-167

Governor

- Constitutional head - union govt. nominates Governor in each state
- Governor appointed by President
- Same person can be appointed as Governor of one or more states

Qualifications:

- Citizen of India
- Age: 35 or above
- Must not belong to the state where he is appointed
- Consult the CM of the state before appointment

Powers:

- Appoints CM and on CMs advice, other ministers
- Appoints Advocate-General, members of State Public Service Commission
- Appoints State Election Commission and State Finance Commission

Chief Minister

- Leader of political party that gets majority of votes/representative of coalition which has majority of votes gets appointed as CM
- If no party has majority - CM is appointed on discretion of Governor

Qualifications:

- 25 years minimum age
- Oath in presence of Governor

Powers:

- Head of Council of Ministers
- Ministers appointed on his advice
- Can reconstruct his Ministry and can demand resignation of any Minister
- Controls agenda for Cabinet meetings
- Advises Governor
- Leader of the House

Disqualifications

- Office of profit under govt
- Unsound mind
- Discharged insolvent (unable to pay off debts with the assets they possess)
- Disqualified by the law of Parliament

State Legislature

Legislative Assembly - Vidhana Sabha

- Direct election of members
- Tenure - 5 years
- Min. 60 constituencies and max. 500 constituencies

Legislative Council - Vidhana Parishad

- Elected from district boards, municipalities, other local authorities
- Total members should not exceed one third of the total members in the respective Legislative Assembly of that state

Qualifications:

- Citizen of India
- LA - more than 25 years
LC - more than 30 years

State Judiciary

Qualification to be a judge of High Court:

- Citizen of India
- Holding a judicial office in India for minimum 10 years
- Advocate of High Court for at least 10 years in succession

Note: Judges and Chief Justice of High Courts are appointed officially by the President

Appointment

- By President in consultation with Chief Justice of SC and Governor
- Can hold office till age of 62
- Can resign by writing to President
- Can be removed by President on recommendation of Parliament - impeachment
- After retirement, HC judge can practice either in Supreme or High Court where he/she has not served

Process of Removal

- Recommendation of the Parliament on grounds of proved incapacity or misbehavior.
- A motion to remove the judge of HC can be introduced in any house of parliament. It must be introduced by at least 100 members in Lok sabha or 50 members in Rajya Sabha whenever it is introduced.
- The Speaker or Chairman may reject this proposal or set up a 3 member committee to investigate the concerns.
- When the committee finds him guilty, then the motion has to be passed by both houses by a special majority. Then, the President gives his assent and Judge of HC is removed.

NOTE:

Special Majority: 2/3rd of the house

Simple Majority - 50 percent of the house

Emergency (Article 352)

- National Emergency: Grave emergency exists whereby the security of India is threatened or any part of its territory is threatened by war, external aggression or armed rebellion, he may proclaim state of emergency.
- Only proclaimed by President; PM can recommend to President
- If Parliament does not approve of it within one month, Emergency becomes invalid
- Three occasions so far