

## CHAPTER - 7

# THE STATE GOVERNMENT



### We learn about the following in this chapter,

- Nature of the State Legislature, the Legislative Assembly (Vidhana Sabha) and Legislative Council (Vidhana Parishat), their membership and functions.
- Nature of the State Executive, the Governor, his qualifications and functions.
- Nomination of the Chief Minister and his functions.

The Union of India comprises 28 States and 8 Union Territories. The State Governments follow the model of the Central Government and thus have the Legislature, Executive and Judiciary. The State Government has the power to frame laws on subjects under the State List and implement them. Some States have two Houses like the Parliament, whereas some states have only the Lower House (Legislative Assembly).

#### **Do you know this?**

*The States of Karnataka, Uttar Pradesh, Andhra Pradesh, Telangana, Maharashtra, Bihar have two houses, whereas other states have only one House.*

## STATE LEGISLATURE

The State Legislature (Vidhana Mandala) is composed of the Governor and the two Houses. The Upper House is called Legislative Council (Vidhana Parishat) and the Lower House is called Legislative Assembly (Vidhana Sabha). The Legislative Assembly has representatives of the people whereas the Legislative Council has experts from various fields.

### **Vidhana Sabha**

The strength of the Vidhana Sabha depends on the population of the State. The strength of the Vidhana Parishat is  $\frac{1}{3}$  of the members of the Vidhana Sabha. The maximum number of seats of any Vidhana

Sabha should not exceed 500 or be below 60. However, the number of seats in small States is less. Ex. In Mizoram and Goa, there are 40 members each. The Vidhana Sabha in Karnataka has 225 members. 224 members are elected whereas one Anglo-Indian is nominated by the Governor.



**Vidhana Soudha**

#### **Qualifications for a Legislative Assembly member:**

1. Should be a citizen of India.
2. Should have completed 25 years of age.
3. Should not be employed in any office of profit of the Government.
4. Should not have been punished by any court.
5. Should not be of unsound mind.
6. Should not be an insolvent.
7. Should possess the qualifications as decided by the Parliament from time to time.

**Term of office :** The members of the Legislative Assembly (Vidhana Sabha) are elected for a term of 5 years. However, the Assembly may be dissolved before the expiry of the full term on the recommendation of the Cabinet. At that time, the State will be under President's rule. If the Members do not intend to continue in the Assembly, they should submit their resignation to the Speaker.

**Activity :**

*Meet your MLA and discuss the functions of MLA.*

The Speaker and the Deputy Speaker are elected from among the elected Members of the Assembly. The proceedings of the House are carried on under the chairmanship of the Speaker. He has the functions of maintaining the peace, dignity and decorum of the House, summoning and postponing the meetings, safeguarding the rights of the Members, and casting the decisive vote when bills receive equal number of votes supporting and opposing them.

**Activity :**

Visit the Legislative Assembly at the time of session and List out the points about their discussion

### **Powers and functions of the Legislative Assembly :**

**Legislative powers :** The Legislative Assembly has the power to frame laws relating to the subjects mentioned in the State List and the Concurrent List. The Bills have to be passed by both the Houses before they are sent to the Governor for his signature. The Governor may send certain Bills to the President for his approval.

**Financial powers :** The Legislative Assembly has greater powers than the Legislative Council in the matter of finance. The Finance Bill has to be first presented in the Legislative Assembly, and only then in the Legislative Council. Though the Legislative Council does not have the power to reject any Bill, it can delay it for 14 days.

**Administrative powers:** The State Executive is responsible to the Legislative Assembly, and can be in power only as long as it enjoys the trust of the Legislative Assembly. Each Member of the Council of Ministers is individually accountable, and the whole Council of Ministers is accountable to the Legislative Assembly.

**Electoral powers** : The elected members of the Legislative Assembly has the power to elect the President, Members of the Rajya Sabha and Legislative Council, Speaker and Deputy Speaker of the Assembly.

**Other powers** : The Members of the Legislative Assembly discuss bills passed by the Parliament when the need arises. The reports of the State Public Service Commission and other reports are discussed in the Legislative Assembly.

### **Legislative Council (Vidhana Parishat)**

The Upper House of the State Legislature is called the Legislative Council. The strength of this House is  $\frac{1}{3}$  of that of the Legislative Assembly of the State. However, it should not be less than 40. This is the reason why some states do not have a Legislative Council. The number of members of the Karnataka Legislative Council is 75. These members represent 5 fields. Some are elected from among the Members of the Legislative Assembly, Local Bodies, Graduates' Constituencies, Teacher's Constituencies. The Governor nominates some Members who are experts in the fields of art, literature, education, social service, science etc. The Legislative Council is a permanent body. Every two years, members who have completed their term retire.

### **Qualifications of the M.L.C.s**

1. Should be a citizen of India.
2. Should have completed 30 years of age.
3. Should possess all qualifications as required for an M.L.A.

The term of office of the nominated Members is 6 years. Every two years  $\frac{1}{3}$  of the Members of the Legislative Council retire. The Chair person and the Deputy Chair person are chosen from among the Members. They assume their powers during the proceedings of the House and ensures dignity and decorum of the House.

### **Powers of the Legislative Council**

**Legislative powers** : All bills may be presented in both the Houses, except money bills which as presented first only in Legislation Assembly. After the bill is approved by one House, it is sent to the

other House. The Legislative Council can withhold a bill for 3 months. However, when the same bill is sent by the Legislative Assembly for the second time, the Council should approve it within one month. If it does not do so, it will be understood that both the Houses have approved the bill and it will be sent to the Governor for his assent.

**Financial powers** : The Legislative Assembly has greater powers over finance than the Legislative Council which can only withhold a finance bill for 14 days. If it does not return the bill after 14 days, it is understood that both the Houses have approved the bill and it is sent to the Governor for his assent.

**Administrative powers**: The Legislative Council does not have much control over administration. It can obtain information by Members posing questions to Ministers. If the questions are not answered properly, it can only insist on the Minister's resignation but cannot move a No Confidence motion.

**Discretion powers** : The Legislative Council carries on debates about the Government's programmes, policies, decisions and Acts. As this is the House of Elders' House, the debates are carried on in a very serious manner.

#### **Activity :**

*List out the names of the members of your area to parliament & Assembly.*

## **STATE EXECUTIVE**

The State Executive comprises the Governor, Chief Minister and the Council of Ministers (the Cabinet). Though the Governor is the Constitutional Head, the Council of Ministers with the Chief Minister as its Head is the real executive authority.

### **GOVERNOR**

The President nominates the Governor on the recommendation of the Prime Minister and his Cabinet. Every State is required to have a Governor. However, sometimes two or three States can have a single Governor.

**Qualifications, Term of Office, Salary and Perquisites:** (1) Should be a citizen of India. (2) Should not be less than 35 years of age. (3) Should not hold any office of profit under the Government. (4) Should not be a Member of either Parliament or State Legislature. If he is a Member of either, he should resign from that post when he is appointed as the Governor.

The term of office of the Governor is 5 years. However, he continues to occupy the post even after the completion of this term till a successor is appointed. The President may recall the Governor on the recommendation of the Union Council of Ministers before the expiry of his term. The Governor receives salary and allowances as fixed by the Parliament, and resides at the official residence (Raj Bhavan). His actions cannot be questioned nor can be prosecuted in a court of law.

**Powers and functions :** Legally all executive powers belong to the Governor. However, the Chief Minister and his Council of Ministers exercise these powers. They are:

**Executive powers :** The Governor is the Executive Head and appoints the Chief Minister and the other Ministers on the advice of the Chief Minister. He also appoints the Chairman of the State Public Service Commission, the Vice-Chancellors for all the Universities in the State and other officials.

**Legislative powers :** The Governor has the power to summon, postpone or dissolve the Assembly on the advice of the Chief Minister. He also has the power to nominate one person to the Assembly and  $\frac{1}{6}$  of the members to the Legislative Council. He may approve or withhold a bill approved by the Legislature.

**Discuss**

*State Government orders are issued in the name of Governor and at the centre the name of president of India. Why ?*

**Financial powers :** The Finance Bill cannot be presented in the Legislative Assembly without the permission of the Governor. The Governor has the power to appoint the State Finance Commission and Planning Commission. The State Emergency Fund is in his name

and funds are taken out from it to deal with emergency situations like drought, floods, earthquake etc.

**Judicial powers** : The Governor has the power to pardon those who have been convicted and reduce, postpone or change the punishment given to criminals. He appoints the State Advocate General and District Judges.

**Discretionary powers**: The Governor uses his discretionary powers while appointing the Chief Minister of the State. He may also withhold the bill passed by the legislature and send it to the President, recommend to the President to declare emergency in the State, dismiss the Cabinet or dissolve the Legislative Assembly.

### **State Council of Ministers**

Our Constitution provides for a Council of Ministers with the Chief Minister as its Head. This Council assists the Governor in administrative matters, and is responsible to the Legislative Assembly. The Council has many functions:

1. It decides the Government's policies.
2. It prepares the State budget and presents it in the legislature.
3. It advises the Governor in matters of appointment of the Chairman of the State Public Service Commission, its Members, the Lokayukta etc.
4. Each Minister has to ensure efficient working of his Department.
5. It has to co-ordinate and supervise the working of different departments.

#### **Activity**

*List out the chief ministers of Karnataka from begining to till today.*

**Chief Minister** : The Chief Minister is the Head of the State Government. Success or failure of the State Government depends on his personal charm. He is the repository of all the power of the State. He is the Head of the Council of Ministers, the Legislature, and the Leader of the majority party in the government. The Chief Minister

should be a member of any one of the two Houses. Even those who are not Members of either House can become the Chief Minister. However, he has to become the Member of any one House within six months.

**Functions and Powers of the Chief Minister :** Since the Chief Minister is the most important figure in the Government, he has many functions and powers. They are:

1. He prepares the list of Ministers and, after submitting it to the Governor, forms the Government.
2. He allocates Portfolios to the Ministers. He can also change the portfolios allotted to Ministers.
3. He has the power to remove those Ministers who are not loyal to the Government, act against the Council of Ministers or have criminal record.
4. As Head of Government, he plays a very important role in formulation of policies.
5. As Head of the Cabinet, he can summon or postpone its meetings.
6. He has the power to co-ordinate and supervise the working of all Departments.
7. He has the power to dissolve the Legislative Assembly before expiry of its term.
8. He acts as the link between the Governor and the Council of Ministers.
9. He acts as an advisor to the Governor with regard to nominations to many posts.

### **EXERCISES**

**I. Fill in the blanks with suitable words.**

1. The Union of India comprises \_\_\_\_\_ States and \_\_\_\_\_ Union Territories.
2. The \_\_\_\_\_ nominates one Anglo-Indian to the State Legislative Assembly.

3. The Karnataka Legislative Council comprises \_\_\_\_\_ members.
4. The State Cabinet, comprising the \_\_\_\_\_ and the \_\_\_\_\_ is the real Executive.
5. The Governor is appointed by the \_\_\_\_\_.

**II. Answer the following questions with group discussion.**

1. Explain the structure of the Legislative Assembly.
2. Which fields are represented by the members of the Legislative Council?
3. What are the qualifications, and the term of office of the Governor.
4. Write a short note on the Chief Minister.

**III. Activities :**

1. Visit the Karnataka Legislative Assembly and Legislative Council and record the proceedings.
2. Like the State Assembly, form the School parliament and observe the proceedings and make the Report.

**IV. Projects :**

1. Discuss the Assembly proceedings with the M.L.A. of your constituency.
2. Prepare an album of the photographs of Karnataka Chief Ministers till now.

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