

HOW THE STATE GOVERNMENT WORKS

3 CHAPTER

CONTENTS

Introduction

State Legislature

Legislative Council

Legislative Assembly

How Does A Bill Become A Law

Control Over The Council Of Ministers

State Executive

Powers Of The Governor

Chief Minister And His Council Of Minister

Working Of The Government

➤ INTRODUCTION

1. India is one of the biggest democratic country with diversity. India is called a union of states with 28 states and 7 union territories.
2. There are two levels of government where the power is divided between the centre and the state, in other words it is called **federation**.
3. India has a federal form of government, which means that there are two levels of government both at centre and state. The constitution has distributed the powers and functions between the two governments.
4. All over the world the governments are made up of three organs – **legislature**, **executive** and **judiciary**. Let us learn more about their powers and functions.

➤ STATE LEGISLATURE

1. Every state has a legislature.
2. Some states have a **unicameral legislature** where they have only one house of legislature.
3. There are other states that have two houses of legislature called the **bicameral legislature** namely, **Legislative Council** (Vidhan Parishad) and **Legislative Assembly** (Vidhan Sabha).

➤ LEGISLATIVE COUNCIL

The legislative council is considered to be the **upper house** of the state legislature.

1. The Vidhan Parishad is a permanent house and can never be dissolved.
2. Each member serves for a term of 6 years.
3. One third of its members retire after 2 years.
4. The Vidhan Parishad must have a minimum of 40 members or more than one-third of the members of Vidhan Sabha.
5. These are elected by the Vidhan Sabha members, members of the local bodies, secondary school teachers and graduates.
6. Governor also nominates members for the Vidhan Parishad who are distinguished in the field of art, literature, science and social services.
7. **The Chairman and Deputy Chairman** are the presiding officers of Vidhan Parishad. They carry out the functions of the house and maintain a control on the proceedings of the house.

➤ LEGISLATIVE ASSEMBLY

1. It has members in proportion to the state population.
2. The member of this house is called Member of **Legislative Assembly (MLA)**.
3. The members are elected by the people.
4. All states in India have a Legislative assembly.
5. MLAs are elected representatives of the people.
6. The term period is for 5 years but it may be dissolved before its term expires.
7. According to the constitution, the number of members in assembly cannot exceed more than 500 and cannot be less than 60.

Constituencies :

1. Every state is divided into different areas known as **constituencies**.
2. In Uttar Pradesh, there are 402 constituencies.
3. One representative from each constituency is elected by the people.
4. The person elected might belong to any party or can be an independent candidate.
5. A political party which gets half the majority is declared as the ruling party and the majority they have got is called simple **majority system**.

Qualification for are M.L.A.

The members of two houses need same qualifications to become a member of the state legislature.

These are as follows :

He/She must be a citizen of India.

The member of legislative assembly must not be less than 25 years of age and that of legislative council must not be less than 30 years of age.

They must not hold any office of profit under the Government of India.

He/She must be of a sound mind and must be free from any legal proceedings.

The **Speaker** and the **Deputy speaker** are elected from among the members and they hold office as long as the house remains in power. The speaker conducts the meetings of the assembly. The term period is for 5 years, but the Governor can dissolve the assemble before it completes its term.

Powers and functions of Legislative Assembly

The legislative assembly has mainly two types of powers. These are Legislative and Financial powers.

The Legislative Power : The subjects of administration are divided into three lists. These are **union list, state list and concurrent list**. The legislative assembly makes law for subjects mentioned, in the state list and the concurrent list.

The Financial Power : The assembly passes the state budget, money bills, permission for levying taxes and fixing salaries of the members of state legislature.

Money bills are always introduced in the legislative assembly.

➤ HOW DOES A BILL BECOME A LAW

There are two types of bills : **Money bill** and **Non-money bill**. Money bill is introduced in the legislative assembly and the non-money bill can be introduced either in Legislative Assembly or Legislative Council. There are three stages for a bill to be passed.

First Stage : In this stage the bill is introduced and its title is read out to the members.

Second Stage : The house refers the bill to the selected committees where a detailed discussion is held. This is called **second reading**.

Third stage : In the third reading, the bill goes to the other house and the same procedure is followed.

After a stipulated time of 3 months the bill is considered to be passed by both the houses. Finally it goes to the governor for his consent. In case of money bills, Legislative Council can make recommendations. It can delay the bill for 14 days only but it should be passed in Legislative Assembly after the 14 days.

➤ CONTROL OVER THE COUNCIL OF MINISTERS

There are three categories of ministers

Cabinet Ministers, Ministers of state, Deputy Ministers.

The state council of ministers is controlled by the state Legislative Assembly. The members may ask questions to the ministers and the ministers must answer the members. Otherwise the members may pass a **no confidence motion** against the Council of ministers which forces the entire ministry to resign.

➤ STATE EXECUTIVE

The **Governor** is the head of the state. The responsibility lies with the Chief minister and his **council of ministers** who take care of the administration.

The Governor is appointed for one state but at times he can be the governor of more than one states. He must have the following qualifications.

He must be the citizen of India.

He must not be less than 35 years of age.

He must not be the member of the Legislative Assembly or Legislative Council.

❖ He must not hold any government office.

The Governor is appointed for a term of five years. The President can ask him to resign before the term period is over.

➤ POWERS OF THE GOVERNOR

Executive powers : The leader of the majority party is appointed as Chief Minister by the Governor. He also appoints the other ministers. He appoints other top officials such as Advocate General and members of State Public Service Commission.

Discretionary power : The Governor works on the advice of the council of ministers. In certain situations he is forced to take independent decisions, which is called the **discretionary power**. At times when the state is under the **President's rule** he can take a discretionary decision.

Legislative power : The Governor inaugurates the first session of the assembly after the elections. Every bill passed by the Legislative Assembly, should have his approval. He can pass ordinance or a law in case the assembly is not in session.

Financial Power : No money bill or budget can be introduced in the house without the Governor's approval.

Judicial power : Governor can grant pardon or reduce the punishment of people convicted under the state laws.

The first woman Governor of independent India was Sarojini Naidu. She was appointed as Governor of Uttar Pradesh in 1947.

➤ CHIEF MINISTER AND HIS COUNCIL OF MINISTERS

All powers regarding the administration of state are vested with the Chief Minister and his ministry. He remains in power as long as he enjoys the support of the members.

Power and Functions of Chief Minister

Chief minister is the leader of the ruling political party which has got majority in the election. He is a vital link between the Governor and the Council of ministers. Each minister is individually and collectively answerable to him. His main powers are : -

- Determines the policies
- Supervises the administration of the state
- Allocates portfolio to all ministers
- Coordinates the work of the council of ministers

Powers and Functions of the Council of Ministers

The administration of a state takes place through various departments and different ministers are responsible for the portfolios. The main function is to run the departments according to the policies laid down by the Council of ministers. They bring bills in the assembly for discussion and approval.

➤ WORKING OF THE GOVERNMENT

- (i) The Legislative Assembly is not the place where opinions are expressed about the work of the government and action is demanded.
- (ii) Newspapers, TV channels, another organizations regularly talk about the government policies in democracy, there are various ways through which people express their views and also take action.
- (iii) The people in power like the Chief Minister and the minister have to take action. They do so through various departments like the Public Works Departments, the Agriculture Department, the Health Department, the Education Department and so on. They also have to answer questions that are asked in the Legislative Assembly and convince people asking the questions that proper steps are being taken.
- (iv) At the same time, newspapers and the media widely discuss the issue and the government has to respond, for example by holding the press conferences.

- (v) The government can also decide to make new laws for the state regarding sanitation and health facilities. For example,, it may make it compulsory for municipal corporations to ensure that there are adequate toilets in every urban area. It may also ensure that a health worker is appointed in every village.
- (vi) This act of making laws on certain issues is done in the Legislative Assembly of each state. The various government departments then implement these laws. Laws for the entire country are made in the Parliament.
- (vii) In a democracy, it is the people who elect the representatives as Members of the Legislative Assembly (MLAs) in a state and thus, it is the people who have the main authority. The ruling party members form the government and some members are appointed ministers.
- (viii) These ministers are in charge of various departments of the government such as health, education etc.
- (ix) Whatever work is done by these departments has to be approved by the Members of the Legislative Assembly.