



GET THE APP

POLITY

FUNCTIONING OF STATE GOVERNMENT



We have already discussed in the previous class that the government in India works at three levels-local, state and national. We have looked at the work of Local Government and read about Panchayats and Municipalities in some detail. In this chapter, we will read about the second level of governance, i.e., government at the State Level.

India is a union of twenty nine States and seven Union Territories including the National Capital Territory of Delhi. There is one Union or Central Government which is at the centre and there is a State Government in each state. The union territories are run by the Union Government. The Government comprises three branches-the Executive, Legislature and the Judiciary.

STATE LEGISLATURE

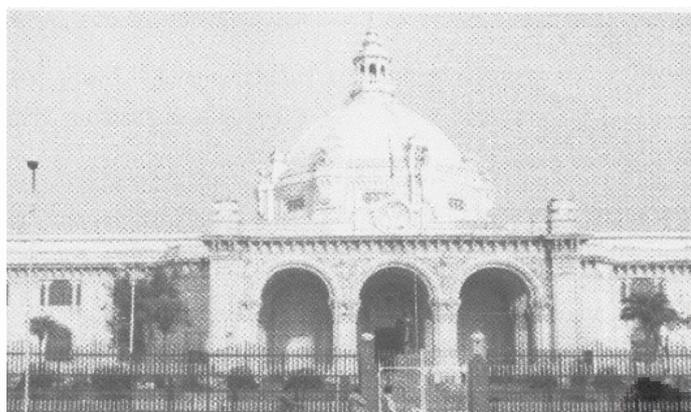
Good governance needs good laws. The legislative bodies in a state are the **Legislative Assembly** or the **Vidhan Sabha** and the **Legislative Council** or the **Vidhan Parishad**. However, only some states have both the houses and are said to have bicameral legislature. Others have only the Vidhan Sabha and are said to have unicameral legislature. In a bicameral state the Legislative Assembly is known as the Lower House while the Legislative Council is known as the Upper House. Six states-Uttar Pradesh, Andhra Pradesh*, Bihar, Karnataka, Maharashtra, and Jammu and Kashmir have bicameral legislature. The rest have unicameral legislature.

LEGISLATIVE ASSEMBLY (VIDHAN SABHA)

Every state has a Legislative Assembly or Vidhan Sabha. Its members are called Members of Legislative Assembly or **MLAs**. They are directly elected by the people of the state. Hence, the Vidhan Sabha represents the people. The size of the Vidhan Sabha depends on the size of the population of the state. Its size as outlined in the Constitution of India, should not be more than 500 members and not less than 60. However, the Vidhan Sabha in small states like Goa, Mizoram and Sikkim has fewer members than 60. Besides the elected members, the Governor of the state has the authority to nominate one member of Anglo-Indian Community.

Unlike the State governments that have their own governments, a union territory has its own elected government ruled directly by the Union Government (Central Government), hence the name "union territory". The Parliament of India can amend the Constitution and provide a Legislature with elected Members and a Chief Minister for a Union Territory, as it has done for Delhi and Puducherry.





Uttar Pradesh Vidhan Sabha

Election of MLA

Each state is divided into different areas called constituencies. From each constituency, the people elect one representative who then becomes an MLA. A constituency is like a Panchayat ward. The MLAs belong to different political parties. Bharatiya Janata Party (BJP), Janata Dal (JD), Congress, etc. are some political parties of India. The political party whose MLAs get more than 50 per cent of the seats is said to be in majority. The party with majority seats becomes the ruling party and forms the government. Its leader becomes the **Chief Minister**. All other MLAs form the **Opposition**. The members that do not belong to any political party are called **Independents**.

Eligibility of MLA

To become an MLA, a person must be a citizen of India and over 25 years of age. He or she must be listed in the voters' list and must not hold any office in the government.

Speaker

The **Speaker** or **Deputy Speaker** is elected by the MLAs from amongst themselves. The Speaker presides over the House and conducts the proceedings. He maintains order in the House. The Speaker puts forward the bills. A bill is a draft of a proposed law. The content of the bill is discussed. Votes are cast by the MLAs in favour of or against it. Sometimes it happens that an equal number of members has voted for and against the bill. Such a situation is called a tie. During a tie, the speaker may cast his vote.

Term of the Vidhan Sabha

The tenure of the Vidhan Sabha is five years. Hence, state elections for the Vidhan Sabha are held every five years. In case of a Constitutional breakdown, the Governor can dissolve the Vidhan Sabha even before its tenure. This can be done if the MLAs bring a no-confidence motion against the ruling party or the coalition. Fresh elections take place in the state then. It is referred to as mid-term poll as it is held before time.

LEGISLATIVE COUNCIL (VIDHAN PARISHAD)

Presently, only the states of Uttar Pradesh, Bihar, Karnataka, Maharashtra, Andhra Pradesh, and Jammu and Kashmir have a Legislative Council or Vidhan Parishad. The Parliament can create or abolish the Vidhan Parishad on the request of the

Q. who is the MLA of your area? Which party does she or he belong to?

Vidhan Sabha. The size of the Vidhan Parishad is based on the total strength of the Vidhan Sabha. This is called **proportional representation**. According to the Indian Constitution, the total strength in the Vidhan Parishad cannot exceed one-third of the total number of members in the Vidhan Sabha and in no case can it be less than 40 members. However, Jammu and Kashmir has 36 members.

Members of the Legislative Council

Some members of the Legislative Council are elected by members of the Legislative Assembly, some by electorates consisting of members of municipalities, district boards and other local authorities in the state; some by electorates consisting of persons engaged in teaching in educational institutions within the state and by registered graduates. Apart from this, some members are nominated² by the Governor from among those who have distinguished themselves in literature, science, art, cooperative movement and social service. This house is not subject to dissolution. The members have a tenure of six years. One-third members retire every two years. The State Legislature must meet at least twice a year. The Governor addresses the Houses in its first session.

To become an **MLC**, a person must be a citizen of India, be over 30 years of age, be listed in the voters' list, must not hold any office in the government and be mentally sound.

The **Chairman** who is elected from among the members of the Vidhan Parishad conducts meetings and maintains discipline in the House. The Deputy Chairman works on behalf of the chairman in his absence.

LEGISLATION

The main function of the state legislature is legislation. Making and passing laws is called legislation. The state legislature makes and enacts laws on subjects of state level. To make a law, the first step is to place a bill before the legislature. Bills are of two types: money bills and ordinary bills. Money bill deals with financial matters. Bills contain the text of the law. The Vidhan Sabha considers the bill. All the MLAs, from both ruling party and opposition, discuss the bill. In fact, there is a debate on the bill. It is then put to vote. Next it is sent to the Vidhan Parishad. Amendments are made if required during discussions in both the Houses. Once the bill is passed by both the Houses, it is sent to the Governor for approval. The Governor can pass the bill or send it back for reconsideration. Once, the Governor passes the Bill, it becomes an Act and the law is made.



STATE EXECUTIVE

The state executive consists of the Governor, the Chief Minister and the Council of Ministers,

GOVERNOR

The Governor of a state is not elected but appointed by the President for a term of five years.

Powers

The Governor enjoys **Executive powers**, **Legislative powers** and **Discretionary powers**. But his powers are limited.

Executive powers: The Governor appoints the Chief Minister who is the leader of the majority party. He also appoints the Council of Ministers. The Governor also appoints the members of the State Public Service Commission and the Attorney General. The President consults the Governor for the appointment of judges of the High Courts. The Governor appoints the judges of the District Courts.

Legislative powers: The Governor summons both the houses of the state legislature or dissolves the Vidhan Sabha, if required. He does

Bihar Assembly Elections Results 2015

Alliance	Political Party	Seats Contested	Won
Mahagathbandhan	Janata Pal (United)	101	71
	Rashtriya Janata	101	80
	Indian National Congress	41	27
NDA	Bharatiya Janata Party	159	53
	Lok Janshakti Party	40	2
	Rashtriya Lok Samata Party	23	2
	Hindustani Awam Morcha	21	1
Left Parties	Communist Party of India	91	0
	CPI(ML) Liberation	78	3
	Communist Party of India (Marxist)	38	0
	Socialist Unity Centre of India (Communist)	10	0
	All India Forward Blo	8	0
	Revolutionary Socialist Party	3	0
Socialist Secular Morcha	Samajwadi Party	85	0
	Janadhikar Party	64	0
	Nationalist Congress Party	40	0
	Samras Samaj Party	28	0
	Samajwadi Janata Party	23	0
	National People's Party	3	0
Others	Bahujan Samaj Party	243	0
	Shiv Sena	150	0
	Sarvajan Kalyan Loktantrik Party	90	0



	Jharkhand Mukti Morcha	N/A	0
	Garib Janata Pal (Secular)	N/A	0
	All India Majlis-e-Ittehadul Muslimeen	6	0
	Independents	N/A	4
	NOTA	243	N/A
Total		243	

Look at the results of these elections and answer the following questions:

1. What is an Alliance?
2. Which Alliance won the Elections?
3. Which Alliance formed the Opposition?
4. What is the full name of NDA?

This according to the advice of the Council of law only after the Governor gives assent. The Ministers headed by the Chief Minister. A bill Governor can return a bill to the state legislature that the state legislature has passed can become for reconsideration. Money bill cannot be introduced in the Vidhan Sabha without the approval of the Governor. The Governor can pardon, suspend or reduce a sentence given by the courts.

Discretionary powers: The Governor uses this power only if required. If no political party wins the election, the Governor asks the leader of the single largest party or the chosen leader of two or more parties to form the government in coalition. In case, there is breakdown of law and order in the state, the Governor asks the

President to impose President's Rule in the state. Then the Governor rules the state. You have read about President's Rule in Class 6.

Eligibility

To be eligible for the post of the Governor, one should be a citizen of India, should be at least 35 years of age, should not have been convicted in the court of law, and should not hold any office in the government and should be of sound mind.

CHIEF MINISTER

Chief Minister is the leader of the party that has won the majority of seats in state elections or is the chosen leader of the group of parties that have formed a coalition. He/She is the elected head of the government of the state. The Governor of a state is the nominal head; the real power rests with the Chief Minister of the state. The Governor appoints him as Chief Minister and the swearing in is done before the Governor.

Q. who is the Governor of your state, union territory?



Know a Little More

Generally, a Governor is appointed for each state, but after the 7th Constitutional Amendment, 1956, a Governor can be appointed for more than one state. Find out if there is any such instance.



The Governor of West Bengal, Keshari Nath Tripathi administer the oath of Chief Minister Mamata Banerjee in Kolkata

The Chief Minister functions as the link between the Governor and the Council of Ministers, as he/she communicates the decisions of the Council of Ministers to the Governor. The other ministers are appointed by the Governor on the advice of the Chief Minister. He/She presides over the meetings of the State Cabinet, distributes portfolios among the ministers and appoints a Deputy Chief Minister if required. He/She takes important decisions regarding governance along with the Cabinet Ministers.

A Chief Minister must be a citizen of India, should be a member of the State Legislature/ and be over 25 years of age. If the Chief Minister resigns, the entire ministry has to resign.

COUNCIL OF MINISTERS

The Council of Ministers has the responsibility of running various government departments called **ministries**. These include the Public Works Department, the Agriculture, Health and Educational departments among many more. It have to give a satisfactory reply to the questions asked in the Legislative Assembly.

After the elections, the MLAs collect in the Legislative Assembly. This is called a **session**. During a session, they debate on problems of

ROLE OF GOVERNMENT IN GUJARAT TO IMPROVE AGRICULTURE

Gujarat has the highest agricultural growth during the past decade. Gujarat made noticeable progress by converting around 1.5 million hectares of land in largely semi-arid region of the state for farming. Steps like investment in

agricultural infrastructure to improve irrigation system, employment of latest technologies and establishment of a power grid to ensure regular power are certain significant reasons for the high agricultural growth rate in Gujarat.

Q. who is the Chief Minister of your state? To which party does he or she belong?

The state or discuss the bills. All MLAs are free to express their opinions, ask questions, decide where the money should be spent or give suggestions about what should be done by the government. An MLA can also be a minister and hence hold two offices. After a government session, the Chief Minister calls the media and newspaper reporters to explain the steps being taken by the government to resolve a problem. Reporters ask questions in this meeting. Such a meeting is known as a **press conference**.

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