



Government of Tamilnadu
Department of Employment and Training

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Subject : Indian Polity

Topic : **STATE EXECUTIVE**

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STATE EXECUTIVE & LEGISLATION ASSEMBLY

GOVERNOR

- ☐ Nominal Executive Head.
- ☐ Articles 153 to 167 in Part VI of the Constitution deal with the state executive.
- ☐ The state executive consists of the governor, the chief minister, the council of ministers and the advocate general of state.
- ☐ Each state has its own governor
- ☐ Under the Seventh Amendment Act, 1956 the same person can be appointed as Governor of one or more states or Lt. Governor of the Union Territory.
- ☐ Appointed by the President on the recommendations of Union Council of Ministers.

Qualification

- ☐ Citizen of India.
- ☐ Completed 35 yrs of age.
- ☐ He Should not be a member of either house of parliament or the state legislature.
- ☐ Must possess the qualification or membership of State Legislature.
- ☐ Must not hold any office of profit.

Other Points

- ☐ Term- 5 yrs subject to (Pleasure of President). Can hold office beyond his term until his successor assumes charge.
- ☐ Resignation & Removal: By President
- ☐ Legislature of a State or a High Court has no role in the removal of a Governor.

Salary:

- ☐ Consolidated Fund of the State (Rs. 1,10,000 per month)
- ☐ Has no right to vote of the State Legislature.
- ☐ When the same person is appointed as the Governor of two or more States, the emoluments and allowances payable to him shall be allocated among the States in such proportion as determined by the President of India.

Oath:

- ☐ By Chief Justice of the concerned State High Court (in his absence, the senior-most judge of that Court)

Powers**a. Executive Powers:**

- ☐ All executive actions of the government of a state are formally taken in his name.
- ☐ He can make rules specifying the manner in which the Orders and other instruments made and executed in his name shall be authenticated.
- ☐ Acts as chancellor of universities.
- ☐ Appoints Chief Minister, Council of Ministers, Chairman & members of State Public Service Commission, Advocate General of the State and Election Commissioner of the State.
- ☐ Recommend the imposition of constitutional emergency in a state.

b. Legislative Powers:

- ☐ Summons, Prorogues & dissolves the State Legislative Assembly.
- ☐ Addresses the first session of State Legislature after election and at the beginning of each new session.
- ☐ Sends messages to State Legislature on bills pending before it.
- ☐ Appoints 1/6th members of Legislative Council having special knowledge in literature, Science Art cooperative Social Service.
- ☐ Nominates one member from the Anglo-Indian community (if not proper representation).
- ☐ Makes laws through ordinances.
- ☐ Gives assent to the Bills so that they become laws.

The Governor has three alternatives:

- ☐ assent to the Bill;

- ☐ Return (if it is not a Money Bill), for reconsideration suggesting alternations. But such Bills when passed again have to be given assent;
- ☐ Reserve the Bill for the assent of the President.

c. Financial Powers:

- ☐ Ensures that the budget is laid, all money bills can be introduced on his recommendation only.
- ☐ Make advances out of contingency fund of the state to meet any unforeseen expenditure.
- ☐ Constitute Finance Commission every 5 years.

d. Judicial Powers:

- ☐ President consults Governor while appointing Chief Justice and other judges of High Court.
- ☐ Appoints judges of courts below the High Court, and grant pardon, reprieve or remission of punishment for offence against State laws, (Cannot grant pardon in cases of death sentences).

e. Emergency Powers:

- ☐ Reports to the President if the State Government is not running constitutionally and recommends the President's Rule (Article 356).
- ☐ When the President's Rule is in progress, he becomes the Agent of the Union Government in the State.
- ☐ He takes over the reins of administration directly into his own hands and runs the State with the aid of the Civil Servants.

Other Powers:

- ☐ Receives & tables the report of State Auditor General.
- ☐ Tables the report of State Public Service Commission.
- ☐ Acts as Chancellor of State Universities & appoints Vice chancellor.
- ☐ Can appoint any members as Chief Minister if no party has, clear-cut majority.

- ☐ Can refuse to sign an ordinary bill passed by State Legislature.

CHIEF MINISTER

- ☐ Real executive head of the Government at the State level.
- ☐ The position is analogous to the position of the Prime Minister at the Centre.

Appointment:

- ☐ Appointed by Governor Art 164.
- ☐ Other Ministers are appointed by the Governor on the advice of the Chief Minister.
- ☐ The Chief Minister is the chief link between the Governor and the Council of Ministers.
- ☐ It is he who keeps the Governor informed of all decisions of the Council of Ministers.
- ☐ If CM resigns, entire ministry resigns.
- ☐ A person who is not a member of State Legislature can be appointed, but he has to get himself elected within 6 months, otherwise he is removed.

STATE LEGISLATURE

- ☐ Can be
UNICAMERAL - One House
BICAMERAL - Two House

Bicameral States (7):

1. Bihar
2. Jammu & Kashmir
3. Karnataka
4. Maharashtra
4. Uttar Pradesh
5. Andhra Pradesh
6. Telangana

- ☐ Legislative Council can be created or abolished on the recommendations of Legislative Assembly.

- ☐ The Parliamentary Standing Committee on Law and Justice, headed by E.M. Sudarsana Natchippan, has recommended revival of the Legislative Council in Andhra Pradesh, 20 years after it was abolished in 1985.
- ☐ Tamilnadu Legislative council was abolished in 1986.

Legislative Council [Vidhan Parishad]

- ☐ Upper House,
- ☐ Like Rajya Sabha (Permanent house (sort of) and cannot be dissolved).

Strength:

- ☐ The total strength cannot exceed 1/3rd of the strength of Legislative Assembly
- ☐ Minimum of 40 members.
- ☐ The strength varies as per the population of state.

Creation and Abolition:

- ☐ As per Article 169, if the Legislative Assembly passes a resolution for abolishing creating of the Legislative Council by a majority of the total membership of assembly and by a majority of not less than two-third of the members present and voting, the Parliament may approve the resolution by a simple majority.

Tenure:

- ☐ 6 years term with 1/3rd members retiring every two years.

Qualification:

- ☐ Same as that of Lok Sabha
- ☐ Age- 30 years.

Election :

- ☐ 1/3rd of the members are elected by local bodies, 1/3rd by legislative assembly.

- ☐ 1/12th by university graduates of atleast 3 years standing, similar proportion by teachers (not less than secondary school) of atleast 3 years standing & 1/6th nominated by the Governor from persons who distinguish in literature, science or social service

Chairman:

- ☐ The Council elects a Chairman & a Vice-chairman from amongst its members.

Legislative Assembly [VIDHAN SABHA]

- ☐ Lower House (just like the Lok Sabha).
- ☐ Consists of directly elected representatives.
- ☐ Term - 5 years, dissolved by the Governor earlier. (Term can be extended by one year during national emergency).
- ☐ The Council of ministers is collectively responsible to the Assembly.
- ☐ The Chief Minister is the leader of the house.

Strength:

- ☐ Consists of not more than 500 members & not less than 60 members.
- ☐ The strength varies according to the population of the State.
- ☐ The Legislative assembly of Sikkim, Goa, Mizoram, Arunachal Pradesh and Pondicherry have less than 60 members.

Qualification :

- ☐ Same as that of the Lok Sabha or Legislative Council, (Except age 25 years).

Speaker / Deputy Speaker:

- ☐ Every legislative assembly chooses its 2 members to be the Speaker and Deputy Speaker
- ☐ Their functioning, resignation, removal procedures are exactly the same as the speaker / Deputy Speaker of the Lok Sabha.

Legislative Procedure :

- ❑ For money bill the position is the same at union and state level.
- ❑ In case of ordinary bill, with hold for 3 months.

Powers of State Legislature:

- ❑ Can legislate on subjects contained in the State list, Concurrent list.
- ❑ Exercise Control over State Expenses, State Council of Ministers (can remove it by passing the no – confidence motion).
- ❑ Participates in the Election of President
- ❑ Has a share in the amendment of constitution as some provisions can be amended after ratification by the Legislatures of half of the State.

SESSIONS OF STATE LEGISLATURE

Summoning

The governor from time to time summons each House of state legislature to meet. The maximum gap between the two sessions of state legislature cannot be more than six months, i.e., the state legislature should meet at least twice a year. A session of the state legislature consists of many sittings.

Adjournment

An adjournment suspends the work in a sitting for a specified time which may be hours, days or weeks. Adjournment *sine die* means terminating a sitting of the state legislature for an indefinite period. The power of the adjournment as well as adjournment *sine die* lies with the presiding officer of the House.

Prorogation

The presiding officer (Speaker or Chairman) declares the House adjourned *sine die*, when the business of the session is completed. Within the next few days, the governor issues a notification for prorogation of the session.

However, the governor can also prorogue the House which is in session. Unlike an adjournment, a prorogation terminates a session of the House.

Dissolution

The legislative council, being a permanent house, is not subject to dissolution. Only the legislative assembly is subject to dissolution. Unlike a prorogation, a dissolution ends the very life of the existing House, and a new House is constituted after the general elections are held.

The position with respect to lapsing of bills on the dissolution of the assembly is mentioned below:

1. A Bill pending in the assembly lapses (whether originating in the assembly or transmitted to it by the council).
2. A Bill passed by the assembly but pending in the council lapses.
3. A Bill pending in the council but not passed by the assembly does not lapse.
4. A Bill passed by the assembly (in a unicameral state) or passed by both the houses (in a bicameral state) but pending assent of the governor or the President does not lapse.
5. A Bill passed by the assembly (in a unicameral state) or passed by both the Houses (in a bicameral state) but returned by the president for reconsideration of House (s) does not lapse.

Quorum

Quorum is the minimum number of members required to be present in the House before it can transact any business. It is ten members or one-tenth of the total number of members of the House (including the presiding officer), whichever is greater. If there is no quorum during a meeting of the House, it is the duty of the presiding officer either to adjourn the House or to suspend the meeting until there is a quorum.

Voting in House

All matters at any sitting of either House are decided by a majority of votes of the members present and voting excluding the presiding officer. Only a few matters which are specifically mentioned in the Constitution like removal of the speaker of the assembly, removal of the Chairman of the council and so on require special majority, not ordinary majority. The presiding officer (i.e., Speaker in the case of assembly or

chairman in the case of council or the person acting as such) does not vote in the first instance, but exercises a casting vote in the case of an equality of votes.

Language in State Legislature

The Constitution has declared the official language(s) of the state or Hindi or English, to be the languages for transacting business in the state legislature. However, the presiding officer can permit a member to address the House in his mother-tongue. The state legislature is authorised to decide whether to continue or discontinue English as a floor language after the completion of fifteen years from the commencement of the Constitution (i.e., from 1965). In case of Himachal Pradesh, Manipur, Meghalaya and Tripura, this time limit is twenty-five years and that of Arunachal Pradesh, Goa and Mizoram, it is forty years.

Rights of Ministers and Advocate General

In addition to the members of a House, every minister and the advocate general of the state have the right to speak and take part in the proceedings of either House or any of its committees of which he is named a member, without being entitled to vote. There are two reasons underlying this constitutional provision:

1. A minister can participate in the proceedings of a House, of which he is not a member.
2. A minister, who is not a member of either House, can participate in the proceedings of both the Houses