



## **Government of Tamilnadu**

### **Department of Employment and Training**

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Topic : **State Executive Legislation Assembly**

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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.
- ❖ Must possess the qualification or membership of State Legislature.
- ❖ Must'nt 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

### Qualification

- ❖ Citizen of India.
- ❖ Completed 35 yrs of age.
- ❖ He Should not be a member of either house of parliament or the state legislature.

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.

3. Karnataka
4. Maharashtra
4. Uttar Pradesh
5. Andhra Pradesh
6. Telangana

### **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.

- ❖ 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).

## **STATE LEGISLATURE**

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

### **Bicameral States (7):**

1. Bihar
2. Jammu & Kashmir

### **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 1/3<sup>rd</sup> members retiring every two years.

**Qualification:**

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

**Election :**

- ❖ 1/3<sup>rd</sup> of the members are elected by local bodies, 1/3<sup>rd</sup> by legislative assembly.
- ❖ 1/12<sup>th</sup> by university graduates of at least 3 years standing, similar proportion by teachers (not less than secondary school) of at least 3 years standing & 1/6<sup>th</sup> 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.
  - ❖ passing the no - confidence motion).

**Qualification :**

- ❖ Same as that of the Lok Sabha or Legislative Council, (Except age 25 years).
- ❖ Participates in the Election of President

**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.
- ❖ Has a share in the amendment of constitution as some provisions can be amended after ratification by the Legislatures of half of the State.

**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 contain in the State list, Concurrent list.
- ❖ Exercise Control over State Expenses, State Council of Ministers (can remove it by