



SNS COLLEGE OF TECHNOLOGY

Coimbatore-35
An Autonomous Institution

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DEPARTMENT OF INFORMATION TECHNOLOGY

19HST103- INDIAN CONSTITUTION **I B.TECH - IT / II SEMESTER**

UNIT 2 – STRUCTURE AND FUNCTION OF STATE GOVERNMENT

TOPIC 1 – State Government – Structure and Functions



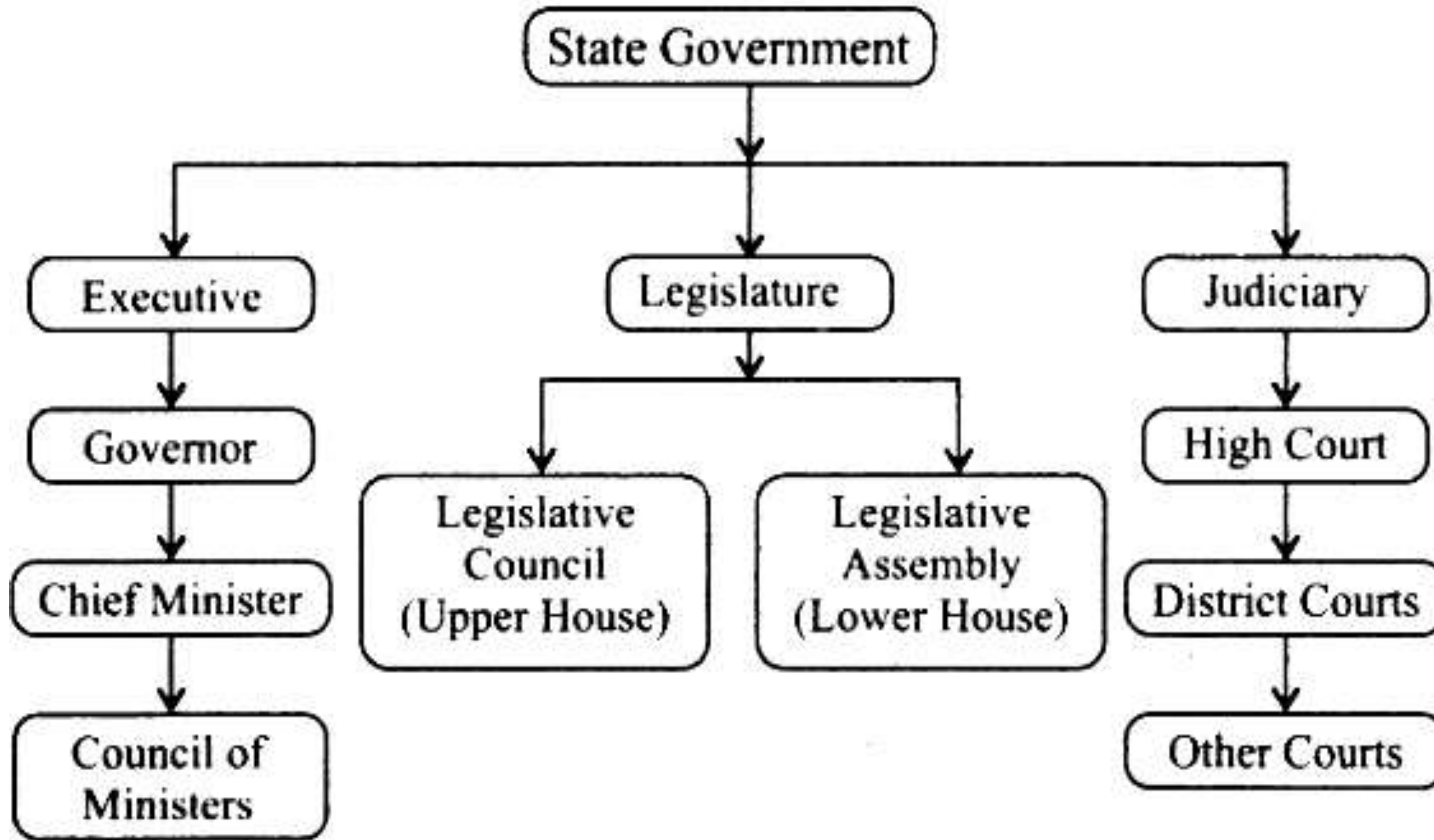
STATE GOVERNMENT



- State governments in India are the governments ruling States of India
- The head of the council of ministers in a state is chief minister.
- Power is divided between central government and state governments.
- While central government handles military, external affairs etc., the state government deals with internal security (through state police), and other state issues.
- Income for central govt. are through customs duty, excise tax, income tax etc., while state government income comes from sales tax (VAT), stamp duty etc.
- Sarkaria Commission was set up to review the balance of power between states and the union.
- The centre can dissolve state government in favour of President's rule if necessary.
- The state of Jammu and Kashmir has higher autonomy compared to other states by Article 370.



STATE GOVERNMENT





STATE LEGISLATURE

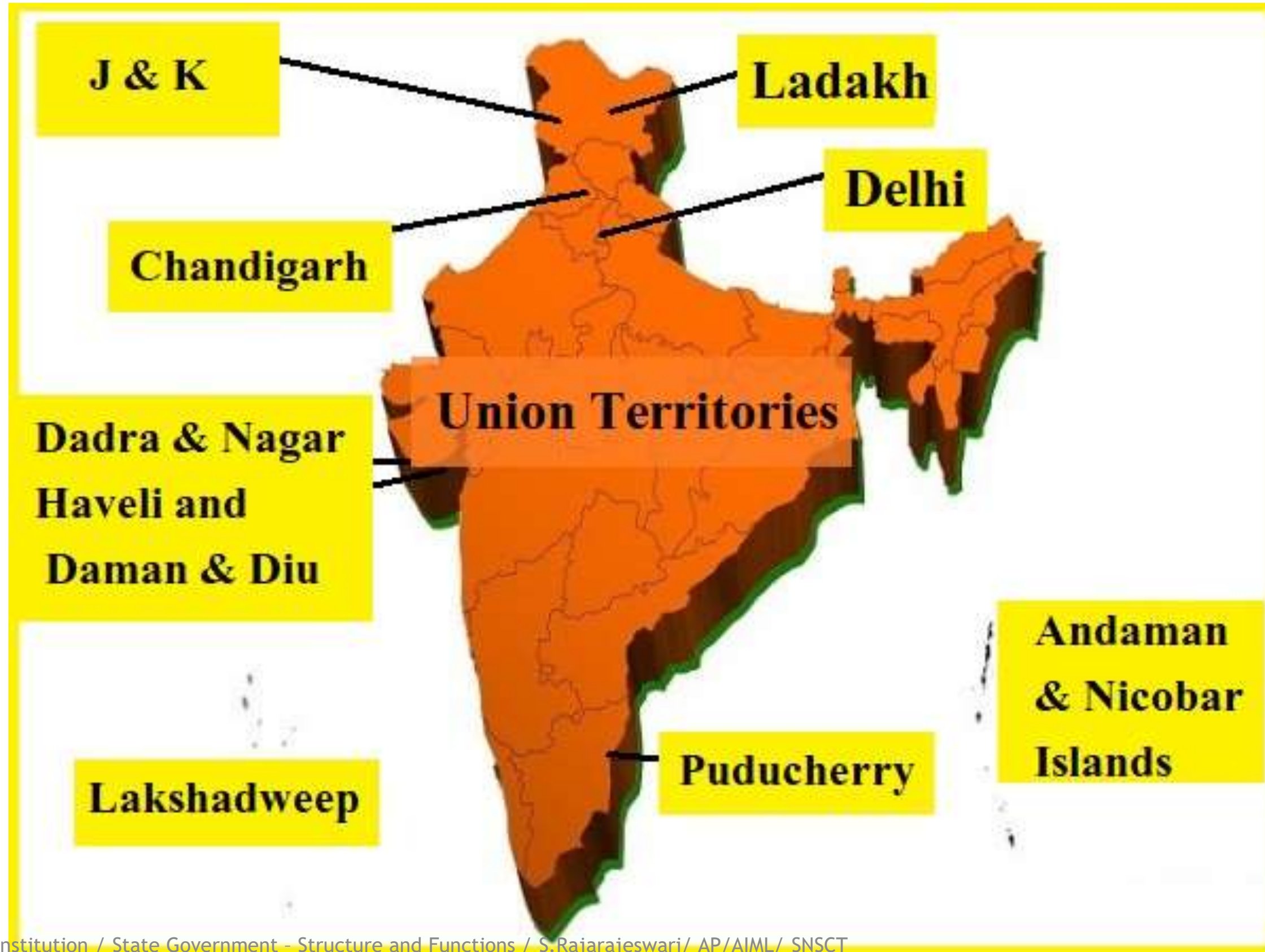


India is a federal union comprising 28 states and 8 union territories, for a total of 36 entities





STATE LEGISLATURE





STATE LEGISLATURE



There is no national language in India.

There are various official languages in India at the state/territory level.

The business in Indian parliament can only be transacted in Hindi or in English. English is allowed to be used in official purposes such as parliamentary proceedings, judiciary, communications between the Central Government and a State Government.

States within India have the liberty and powers to specify their own official language(s) through legislation. In addition to the official languages, the constitution recognizes 22 regional languages, which include Hindi but not English, as **scheduled languages**.





STATE LEGISLATURE



- State governments' legislatures are bicameral in six states and unicameral in the rest.
- All the members of lower house are elected for a five-year term, and one-third of the members of the upper house, in bicameral states, are elected every two years for a six-year term.
- The Indian Constitution allows states to have either a unicameral or bicameral legislature.
- A state is said to be unicameral if it has only one house of parliament.
- The numbers in the brackets indicate the number of seats in the lower and upper house respectively.
- Most of the newer states are unicameral and only a few of the older states (6 states out of 30) still remain bicameral.
- In a state with a bicameral legislature, the lower house is called the Legislative Assembly or Vidhan Sabha and the upper house is called the Legislative Council or Vidhan Parishad.
- By law, the upper house can not be more than $\frac{1}{3}$ the total size of the lower house but must have more than 40 seats (except in the case of the state of Jammu and Kashmir which is allowed by special legislation to have less than 40 seats in its Legislative Council)



STATE LEGISLATURE



- The upper house, Vidhan Parishad, has limited legislative powers, and was primarily intended for consultation and can not hold up legislation passed by the lower house, the Vidhan Sabha, for more than a few months.
- The lower house, Legislative Assembly, is composed of members directly elected from individual constituencies;
- while the upper house, the Legislative Council, consists of members elected by the Lower House, members nominated by the State government, and members elected from specially designated teacher's and graduate's constituencies.
- Andhra Pradesh abolished its legislative council in 1984, but has set up a new legislative Council following elections in 2007.



STRUCTURE AND FUNCTIONS OF STATE GOVERNMENT



- State Constitutions
- Create the structure of state government, every state constitution provides for separation of powers among the three branches of Government.
- Outline the organization of each branch
- Second State Constitutions
- Establish the different types of local government such as, counties, townships, municipalities, special districts, parishes, and boroughs.
- Third State Constitutions
- Regulate the ways state and local governments can raise and spend money.
- limits taxing powers of local government
- Initiative
- Is a method by which citizens propose an amendment or law
- Constitutional Convention
- Gathering of citizens, usually elected by popular vote; meets to consider changing or replacing constitution.
- Constitutional Convention
- Group of experts appointed to study the state constitution and recommend changes.



STRUCTURE AND FUNCTIONS OF STATE GOVERNMENT



- Referendum
- When voters rather than the legislature vote on an issue
- In state legislatures
- More than 1,000 bills are introduced
- Plurality
- Largest number of votes in an election
- Roles of Governor
- Range from proposing and signing legislation to visiting foreign countries.
- Executive Branch of State Government
- Carries out laws the state legislature has passed.
- Governor's Responsibility
- Includes budgeting, appointing officials, planning economic growth, and coordinating the work of executive departments.
- Amount of control varies by state.
- Civil Case
- Usually involves a dispute between two or more private individuals or organizations



STRUCTURE AND FUNCTIONS OF STATE GOVERNMENT



- Criminal Case
- State brings charges against a citizen for violating the law, either involve a misdemeanor or felony
- Corporate Charter
- A document that grants certain rights, powers, and privileges to a corporation.
- Excise Tax
- Selective Tax, a tax on certain items such as alcohol, tobacco, and gasoline
- Regressive Tax
- Sales Tax, a tax in which the percentage of income taxed drops as incomes rise
- Progressive Tax
- State Income Tax, a tax that rises as a person's income rises
- Proportional Tax
- State Income Tax, a tax that each person's income might be taxed 10%
- Bond
- Promise to repay a loan with interest at a specified time.
- Can be issued by corporations and government agencies at the local, state, and federal levels.



GOVERNORS OF STATES OF INDIA



- The governors and lieutenant-governors of the states and union territories of India have similar powers and functions at the state level as that of the President of India at Union level.
- Governors exist in the states while lieutenant-governors exist in union territories and in the National Capital Territory of Delhi.
- The governor acts as the nominal head whereas the real power lies in the hand of the chief ministers of the states and the chief minister's Council of Ministers.
- In India, a lieutenant governor is in charge of a Union Territory.
- However the rank is present only in the union territories of Andaman and Nicobar Islands, Delhi and Puducherry (the other territories have an administrator appointed, who is an IAS officer).
- Lieutenant-governors hold the same rank as a governor of a state in the list of precedence.



GOVERNORS OF STATES OF INDIA



- The governors and lieutenant-governors are appointed by the president for a term of 5 years.
- Qualifications
- Article 157 and Article 158 of the Constitution of India specify eligibility requirements for the post of governor.
- They are as follows:
- A governor must:
 - be a citizen of India;
 - be at least thirty-five (35) years old;
 - not be a member of the either house of the parliament or house of the state legislature.
 - not hold any other office of profit.



GOVERNORS OF STATES OF INDIA - POWERS AND FUNCTIONS



- The governor enjoys many different types of powers:
 - Executive powers related to administration, appointments and removals.
 - Legislative powers related to lawmaking and the state legislature, that is Vidhan Sabha or Vidhan Parishad.
 - Discretionary powers to be carried out according to the discretion of the governor.



GOVERNORS OF STATES OF INDIA - POWERS AND FUNCTIONS



- Executive powers
- The Constitution vests in the governor all the executive powers of the state government.
- The governor appoints the chief minister, who enjoys the support of the majority in the Vidhan Sabha.
- The governor also appoints the other members of the Council of Ministers and distributes portfolios to them on the advice of the chief minister.
- The Council of Ministers remain in power during the 'pleasure' of the governor, but in the real sense it means the pleasure of the Vidhan Sabha.
- As long as the majority in the Vidhan Sabha supports the government, the Council of Ministers cannot be dismissed.
- The governor appoints the chief minister of a state.
- He/she also appoints the Advocate General and the chairman and members of the State Public Service Commission.
- The president consults the governor in the appointment of judges of the High Courts and the governor appoints the judges of the District Courts.
- All administrations is carried on his name.



GOVERNORS OF STATES OF INDIA - POWERS AND FUNCTIONS



- Legislative powers
- The governor summons the sessions of both houses of the state legislature and prorogues them.
- The governor can even dissolve the Vidhan Sabha.
- These powers are formal and the governor while using these powers must act according to the advice of the Council of Ministers headed by the chief minister.
- The governor inaugurates the state legislature by addressing it after the assembly elections and also at the beginning of the first session every year.
- The governor's address on these occasions generally outlines new policies of the state government.
- A bill that the state legislature has passed, can become a law only after the governor gives assent.
- The governor can return a bill to the state legislature, if it is not a money bill, for reconsideration.
- However, if the state legislature sends it back to the governor for the second time, the governor must assent to it.
- The governor has the power to reserve certain bills for the president.
- When the state legislature is not in session and the governor considers it necessary to have a law, then the governor can promulgate ordinances.
- These ordinances are submitted to the state legislature at its next session.
- They remain valid for no more than six weeks from the date the state legislature is reconvened unless approved by it earlier.



GOVERNORS OF STATES OF INDIA - POWERS AND FUNCTIONS



- Financial powers
- Money bills can be introduced in the State Legislative Assembly only on the prior recommendation of the governor.
- He also causes to be laid before the State Legislature the annual financial statement which is the State Budget.
- Further no demand for grant shall be made except on his recommendation.
- He can also make advances out of the Contingency Fund of the State to meet any unforeseen expenditure.
- Moreover, he constitutes the State Finance Commission.
- In vidhan sabha he nominates 1 person.



GOVERNORS OF STATES OF INDIA - POWERS AND FUNCTIONS



- Discretionary powers
- The governor can use these powers:
 - a) If no party gets an absolute majority, the governor can use his discretion in the selection of the chief minister;
 - b) During an emergency he can override the advice of the council of ministers.
 - At such times, he acts as an agent of the president and becomes the real ruler of the state;
 - c) He uses his direction in submitting a report to the president regarding the affairs of the state;
 - d) He can withhold his assent to a bill and send it to the president for his approval.
- Emoluments
- Governor's pay
- Date established Salary (per month)
- 1 January 2020 - ₹350,000 (US\$4,900)
- In addition to the monthly salary, the governor is entitled to rent free official residence, free household facilities and conveyance.
- The governor and his family are provided with free medical attendance, accommodation and treatment for life.



GOVERNORS OF STATES OF INDIA - POWERS AND FUNCTIONS



- Removal
- The term of governor's office is normally 5 years but it can be terminated earlier by:
 1. Dismissal by the president on the advice of the prime minister of the country, at whose pleasure the governor holds office.
 2. Resignation by the governor. There is no provision of impeachment, as it happens for the president.



GOVERNORS OF STATES OF INDIA - POWERS AND FUNCTIONS



Post	Salary per month (Basic Pay)
President	₹500,000 (US\$7,000) ^{[2][3]}
Vice President	₹400,000 (US\$5,600) ^[4]
Prime Minister	₹280,000 (US\$3,900)(salary received as a Member of Parliament in Lok Sabha or Rajya Sabha)
Governors	₹350,000 (US\$4,900) ^[6]
Chief Justice of the Supreme Court	₹280,000 (US\$3,900)
Judges of the Supreme Court	₹250,000 (US\$3,500)
Chief Election Commissioner	₹250,000 (US\$3,500) ^{[7][8]}
Comptroller and Auditor General	₹250,000 (US\$3,500) ^{[8][9]}
Chairman of the Union Public Service Commission	₹250,000 (US\$3,500) ^{[10][11]}
Cabinet Secretary	₹250,000 (US\$3,500) ^{[12][13]}
Lieutenants Governors	₹225,000 (US\$3,200) ^[6]
Chiefs of Staff (Army, Air, Naval) in the rank of General and equivalent ranks in the Indian Armed Forces	₹250,000 (US\$3,500) ^{[12][13]}
Chief Justices of High Courts	₹250,000 (US\$3,500)
Judges of High Courts	₹225,000 (US\$3,200)
Members of the Parliament	₹100,000 (US\$1,400) ^[14]
Secretaries to the Union Government, Special Secretaries to the Union Government, Secretary General of the Supreme Court Vice Chief of Army Staff/Vice Chief of Air Staff/Vice Chief of Naval Staff/Commanders in the rank of Lieutenant General and equivalent ranks in the Indian Armed Forces	₹225,000 (US\$3,200) ^{[12][13]}
Chief Secretaries, Additional Chief Secretaries/Special Chief Secretaries to State Governments	₹225,000 (US\$3,200) ^{[12][13]}
Additional Secretaries to the Union Government Registrar General/Registrar of the Supreme Court	₹182,200 (US\$2,600) (Minimum Pay) to ₹224,100 (US\$3,100) (Maximum Pay) ^{[12][13]}
Principal Secretaries to the State Governments Registrar Generals/Registrars of High Courts	₹182,200 (US\$2,600) (Minimum Pay) to ₹224,100 (US\$3,100) (Maximum Pay) ^{[12][13]}
Joint Secretaries to the Union Government, Additional Registrars of the Supreme Court, Major General and equivalent ranks in the Indian Armed Forces	₹144,200 (US\$2,000) (Minimum Pay) to ₹218,200 (US\$3,100) (Maximum Pay) ^{[12][13]}
Secretaries to State Governments Additional Registrars of High Courts	₹144,200 (US\$2,000) (Minimum Pay) to ₹218,200 (US\$3,100) (Maximum Pay) ^{[12][13]}



CHIEF MINISTER



- A Chief Minister is the elected head of government of a sub-national (e.g. constituent federal) state, notably a state (and sometimes a union territory) of India, a territory of Australia,[1] provinces of Sri Lanka or Pakistan, or a British Overseas Territory that has attained self-government.
- It is also used as the English version of the title given to the heads of governments of the Malay states without a monarchy.
- The title is also used in the Crown dependencies of the Isle of Man (since 1986), in Guernsey (since 2004), and in Jersey (since 2005).
- In Malaysia, it is used to refer to the heads of government, called in their Malay language term Ketua Menteri (literally Chief Minister), of the Malaysian states without a sultan, i.e., Malacca, Penang, Sabah and Sarawak, while the Malay language term Menteri Besar (literally Great Minister) is used in other states with a monarch.
- By analogy the term is often applied to various other high ministerial offices, e.g. in a princely state before or during the British raj or the chancellors of the Chinese states.



CHIEF MINISTER



- Deputy Chief Minister
- Deputy Chief minister is an optional post in some States of India and is Second to the Chief Minister.
- In general practice the position is given to a member of the coalition party when the government is formed with the support of various parties.
- It can also be awarded to a member of the majority party who has substantial support of the legislature compared to the Chief Minister.



CHIEF MINISTER



State Legislature or State Assemblies headed by CM

State Legislature or State Assemblies headed by CM

↓

electd by the people of that state

↓

electd by MLAs, governor

↓

standing graduates, etc.

VIDHAN SABHA

Governor electd by President of India

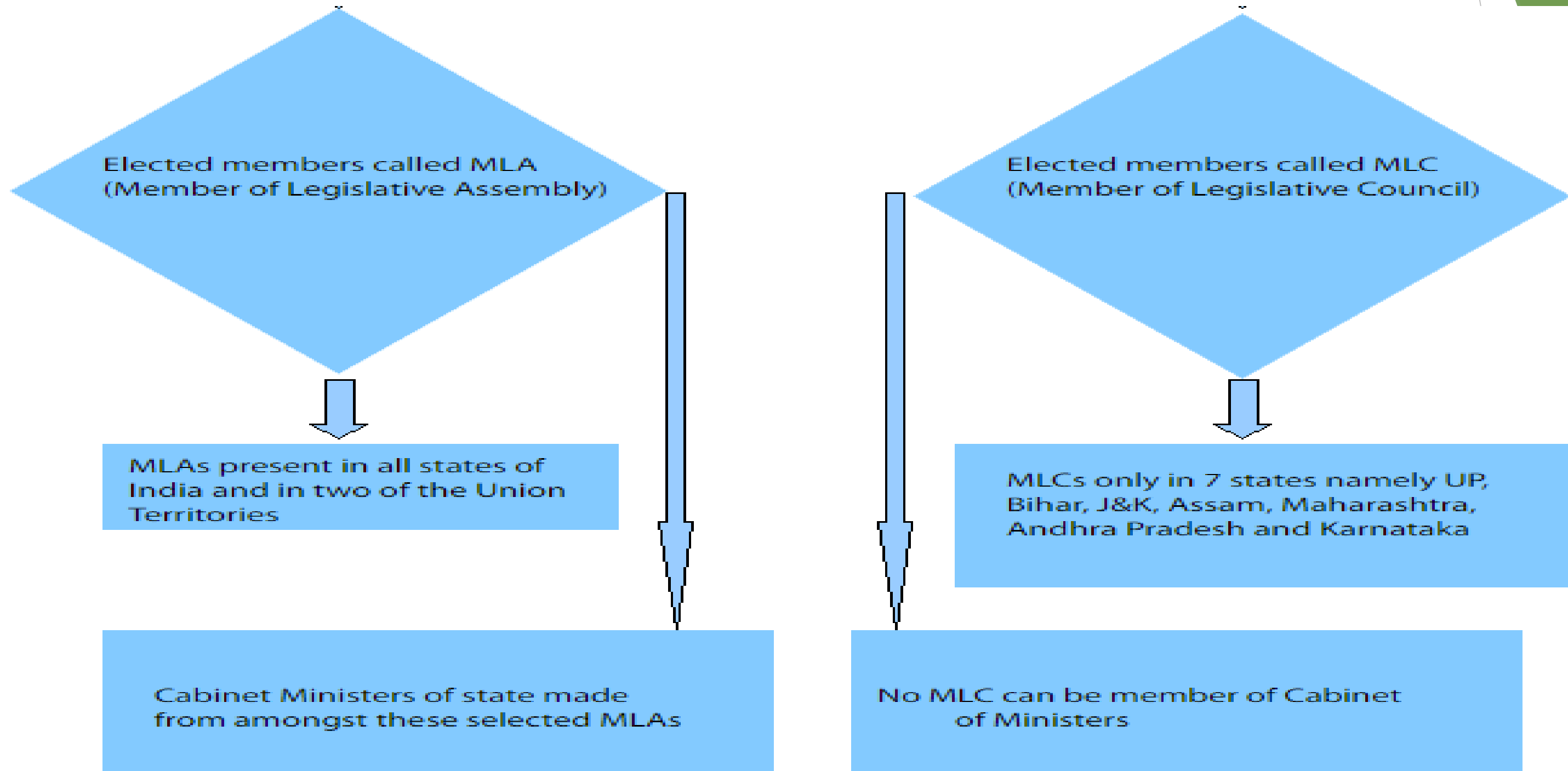
VIDHAN PARISHAD

- 1. Fixed no. of seats in every state.
- 2. Diff. Number of seats for diff. states

- 1. size cannot be more than 1/3 of the seats reserved for MLA's
- 2. cannot be less than 40 xcept J&K(36)



CHIEF MINISTER





CABINET



- The Cabinet of India (officially called the Union Council of Ministers of India) is the collective decision-making body of the Government of India, consists of the Prime Minister and 35 Cabinet Ministers, the most senior of the government ministers.
- The Cabinet is the ultimate decision-making body of the executive within the Westminster system of government in traditional constitutional theory.
- Most of the cabinet functions from Cabinet Secretariat, at Secretariat Building, New Delhi.



CABINET



- Cabinet Secretary
- The following are the functions of a Cabinet Secretary:
 - Provide assistance to the Council of Ministers
 - Act as adviser and conscience keeper of the civil services
 - Handle senior appointments
 - Preparation of the agenda of the Cabinet
 - Attend the meet
 - Ensure that the Cabinet decisions are implemented
 - Advise the Chief Minister
 - Act as the Chairman of the Committee of Secretaries on Administration
 - Act as the Chairman of the Chief Secretaries Committee
 - Provide an element of continuity and stability to administration during crises.



CABINET



State Council of Ministers

Cabinet:

- is the Chief Executive body of Council of MINISTERS
- formulates / shapes policies
- initiates legislation
- coordinates work of various govt. agencies.
- guides, directs & controls the public admin
- implements Policies of the state.

(assisted by bureaucracy)

Quality of state administration is largely conditioned by the leadership and direction provided by the Ministers



CABINET

CABINET

- inner body of Council of Ministers
- Principal Ministers with important portfolios
- generally responsible for govt. admin & shaping policies

FOUR major Functions:

- To approve all legislative proposals for enactment of Government Policy
- To recommend all major appointments
- To settle all departmental disputes.
- To coordinate various activities of the Govt. and to oversee execution of its policies.