UNIT 7: STATE COUNCIL OF MINISTERS AND THE CHIEF MINISTER

UNIT STRUCTURE

7.1 Learning Objectives

7.2 Introduction

7.3 The State Council of Ministers and the Chief Minister

7.3. 1 Powers and functions of the State Council of Ministers

7.4 The Chief Minister

7.4.1 Powers and Functions

7.5 The Legislature

7.5.1 Legislative Assembly or Vidhan Sabha

7.5.2 Legislative Council or VIdhan Parishad

7.6 Let Us Sum Up

7.7 Further Reading

7.8 Answers to Check Your Progress

7.9 Model Questions

7.1 LEARNING OBJECTIVES

After going through this unit, you will be able to:

- Discuss the formation and composition of State Council of Ministers
- Describe the powers and functions of the Chief Minister
- Elaborate the Legislative Assembly and Legislative Council

7.2 INTRODUCTION

In the previous unit, we learned about the position, powers and functions of the Governor and its role in the State Government. In this unit, you would be introduced to the Chief Minister and the Council of Ministers at the state level. Under the federal government, there are provincial or state governments apart from the Union or Central Government. In India, the states have been created mainly on the basis of the dominant language.

7.3 THE STATE COUNCIL OF MINISTERS AND THE CHIEF MINISTER

The Governor appoints the State Council of Ministers. He appoints the leader of the majority party in the Legislative Assembly as the Chief Minister. On the advice of the Chief Minister, he appoints the other Ministers of the Council of Ministers.

In the State Council of Ministers like that of the Union Council of Ministers, there are three categories of ministers- Cabinet Ministers, Ministers of States and Deputy Ministers. All the Ministers, including the Chief Minister must be the members of the State legislature. If a Minister is not a member of the State legislature at the time of his appointment, he must be so within a period of six months from the date of his taking over charge as Minister.

The Chief Minister and Ministers heading individual departments of the government constitute the State Cabinet. It is the most powerful authority in State administration. All the important decisions of the State administration are taken by the Cabinet. The decisions of the Cabinet are binding upon the Council of Ministers.

The Council of Ministers has no fixed term of office. The term of the Council of Ministers depends on the support of the majority members of the Legislative Assembly. If it loses majority support in the legislative Assembly, it has to resign. The Governor may also remove a Minister from the Council of Ministers on the advice of the Chief Minister.

The Council of Ministers headed by the Chief Minister exercises all the powers and functions of the Governor of the State. Therefore, it is called the real executive of a State. However, it can not exercise the discretionary powers of the Governor.

The Council of Ministers remains responsible to the Legislative Assembly for carrying on the administration of the State.

7.3.1 Powers and functions of the State Council of Ministers

The State Council of Ministers formulates the policies for State administration. It also implements them. The Council of Ministers also implements the directives given by the Central Government. It has to work in conformity with the national policies of the Central Government.

The Council of Ministers prepares proposals for legislation. If authorities their introduction in the legislature by the ministers concerned. It has also to take measures so that the legislations are passed in the legislature.

The Council of Ministers is responsible for maintaining law and order in the state. It is the real executive in the state. It is responsible for running the administration of a state according to the principles of the Constitution.

The ministers are allotted the responsibility of various departments of state administration. They are to look after their respective departments and supervise activities so that the departments perform efficiently.

The Council of Ministers makes policies regarding recruitment, appointment, transfer, promotion, etc. of the Public Services in the state. It even advises the Governor for the appointment of important functionaries like the Chairman and members of the Public Service Commission Advocate General, etc..

It prepares the annual budget of the State government. The Minister for Finance presents the budget in the Legislative Assembly. It is responsible for maintaining sound financial condition in the state.

The Council of Ministers advises the Governor regarding the date and time of summoning and proroguing the sessions of the legislature. It also advises the Governor to dissolve the Legislative Assembly.

The social, economic and political condition of a State is dependent upon the performance of the Council of Ministers. If the ministers are efficient and dedicated, then the State will definitely work better. It also depends on how the Chief Minister is leading the Council of Ministers. If the ministers are efficient and dedicated, then the state will definitely work better. It also

depends on how the Chief Minister is leading the Council of Ministers and maintaining unity and solidarity among the ministers.

7.4 THE CHIEF MINISTER

The Governor appoints the leader of the majority party in the State Legislative Assembly as the Chief Minister. He is the head of the State Council of Ministers. The State Council of Ministers revolves round him.

The Chief Minister has no fixed term of office. He remains in office so long as he commands support of the majority members of the Legislative Assembly. When he loses support in the legislature, he has to resign. The resignation of the Chief Minister must means the resignation of the whole Council of Ministers in the State.

The Chief Minister must be a member of the State Legislature. If he is not a member of the State legislature at the time of his taking over charge, then he must be so within a period of six months.

7.4.1 Powers and Functions

The Chief Minister plays an important role in the formation of the Council of Ministers. On the advice of the Chief Minister, the Governor appoints the other Ministers of the Council of Ministers and distributes among them the portfolios. As the head of the Council of Ministers, he presides over the meetings of the Council of Ministers and the Cabinet.

The Chief Minister supervises the activities of different ministries and advises them accordingly. He also coordinates the activities of different ministries. He has to see that the principle of collective responsibility is maintained by the Ministers.

The Chief Minister plays an important role in making policies of the State Government. He has to ensure that the policies of the government do not go against public interest. His voice is final in policy decisions of the State Government.

He also an important role in making higher appointments of the State Government. The Governor appoints different higher officials of the State Government on the advice of the Chief Minister and his Council of Ministers.

The Chief Minister is the channel of communication between the Governor and the other members of the Council of Ministers. He has to keep the Governor informed of the decisions taken by the Council of Ministers on various matters relating to State administration.

The Chief Minister is the chief administrator of the State. All major decisions of the State Government are taken under his leadership. He is responsible for over all working of the state departments. He has also to maintain a good and harmonious relation with the Central Government.

As the leader of the majority party in the Legislative Assembly, the Chief Minister has to see that party discipline is maintained in the House. He has also to defend the ministers of his Council of Ministers on the floor of the House from the criticisms of the opposition.

The success of the State Government depends to a great extent upon the leadership of the Chief Mister. If he is strong, dynamic and efficient, them the government will definitely perform well and rise up to the expectations of the people.



ACTIVITY 7.1

1. Find out the name of the first Chief Minister of Assam after the independence of the country.
2. Find out who was the first woman Chief Minister of a State in India.



CHECK YOUR PROGRESS

Q.1. Who appoints the Chief Minister and his Council of Ministers?

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Q.2. Who can summon and prorogue the sessions of the State legislature?

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Q.3. The Chief Minister is the chief administrator of the State. (True/ False)

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7.5 THE LEGISLATURE

In India, the State Legislature consists of the Governor and one or two houses. The lower house is called the Legislative Assembly or Vidhan Sabha while the upper house is called the Legislative Council or Vidhan Parishad.

7.5.1 Legislative Assembly or Vidhan Sabha

According to the Constitution, a Legislature Assembly can not have more than 500 members and less than 60 members. The members are elected directly by the people. Some seats in the Legislative Assembly are reserved for Scheduled Castes and Scheduled Tribes. The Governor can nominate one member from the Anglo-Indian community if no member is elected from that Community to the House.

The members of the Legislative Assembly are elected for a term of five years. But the Governor can dissolve the house before the expiry of five years and can call for fresh elections

To be a member of the Legislative Assembly one must be a citizen of India and should have attained 25 years of age. He can not be a member of both houses of the State legislature or a member of the Union Parliament at the same time.

The meetings of the Assembly are presided over by the Speaker who is elected from among the members of the Assembly. In his absence, the Deputy Speaker conducts its meetings.



LET US KNOW

When State Emergency is declared under Article 356 of the Constitution in a State, the Legislative Assembly is kept either "suspended" or is dissolved.

Powers and Functions of the Legislative Assembly :

The main duty of the Legislative Assembly is to make laws for the state. It can make law on the subjects mentioned in the state list and the concurrent list. However, during state emergency, it can not exercise its legislative power.

The assembly has control over the State council of Ministers. The State council of ministers is responsible or answerable to the Assembly for its activities. The Assembly many pass a no- confidence nation against the council of Ministers and bring its downfall if it is not satisfied with the performance of the council of Ministers.

The legislation Assembly has control over the finances of the state. A money bill can be introduced only on the floor of the Assembly. The government can not impose, increase, lower or withdraw any tax without the approval of the Assembly.

The elected members of the Legislative Assembly can take part in the election of the president of India and all members can take part in the election of the members of the Rajya Sabha from the state.

The Assembly also takes part in the amendment of the Constitution on certain matters.

7.5.2 Legislative Council or Vidhan Parishad

The Constitution provides that the total strength of the Legislative Council must not be less than 40 and not more than 1/3 of the total strength of the Legislative Assembly of the State.

The members of the Legislative Council are elected indirectly. One third of its members are elected by the local government bodies like the Zila Parishad and Municipalities. Another one third are elected by the members of the Legislative Assembly. One twelfth are elected by the graduates of the constituency and another one twelfth by the teachers of secondary schools, colleges and universities. One sixth of the members of the Legislative Council are nominated by the Governor of the State.

The Legislative Council is a continuing house. The Governor can not dissolve this house. One-third of its members retire after every two years and elections are held to fill the vacant seats. The members are elected for a term of six years.

To be a member of the Legislative Council, one must be a citizen of India. He must attain 30 years of age. He cannot be a member of the Legislative Assembly or either of the houses of the Parliament.

The Chairman is the presiding officer of the Legislative Council. In his absence, the Deputy Chairman presides over its meetings. They are elected from among the members of that house.



LET US KNOW

At present, only five states in India have Legislative Council in their legislature. They are– Bihar, Uttar Pradesh, Maharashtra, Karnataka and Jammu & Kashmir.

·Powers and functions of the Legislative Council:

Ordinary bills can be introduced in the Council on any matter of the State List and the Concurrent List. A money bill can not be introduced in the Legislative Council. A money bill passed by the Legislative Assembly must be adopted by the Legislative Council within a period of 14 days. If a money bill is not adopted within that period, then it is regarded as passed by both houses of the State legislature.

The Legislative Council exercises control over the Council of Ministers. The members can ask questions to the Ministers on various matters and can introduce motions against the ministers. However, it can not pass a no- confidence motion against the Council of Ministers.

The Legislative Council also takes part in the amendment of the Constitution along with the Legislative Assembly.

The existence of the Legislative Council is criticized as purposeless. t is not only less powerful than that of the Legislative Assembly, but also can not be compared with the Rajya Sabha of the Union parliament. The Rajya Sabha, which is an upper house like that of the Legislative Council, is not as powerless as the Legislative Council. The Legislative Council is often regarded as ornamental in terms of powers and functions.



LET US KNOW

The State legislature follows the same procedure for passing an ordinary or a money bill like that of the Parliament. In State legislatures also, the Legislative Assembly which is the lower house is more powerful than the Legislative Council which is the upper house.



ACTIVITY 7.2

1. Find out how many States are there in India at present.
2. How many members are there in the Assam Legislative Assembly?



CHECK YOUR PROGRESS

Q.4. Name the two houses of the State legislature?

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Q.5. Write the qualifications of the members of the Legislative Assembly?

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Q.6. Write a note on the strength of the Legislative Council.

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Q.7. Write a note on the strength of the Legislative Assembly.

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7.6 LET US SUM UP

After reading this unit, we have came to know that though all powers of the State government are given to the Governor as the constitutional Head of the State, yet he is only a nominal head like that of the President of India. His Powers are exercised by the Council of Ministers headed by the Chief Minister. In case of the state Legislature, in the States where there are two houses, the Legislative Assembly is more powerful than the

Legislative Council. The Council of Ministers is responsible to the Legislative Assembly for its activities.



7.7 FURTHER READINGS

1. *Kapur, A.C., & Misra, A. (1995). Select Constitution.S. Chand*
2. *Chakrabarty, B., & Pandey, R.K. (2017). Indian Government and Politics. New Delhi, Delhi : Sage Publishing, India*



7.8 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q. no. 1. Governor

Ans to Q. no. 2. Governor

Ans to Q. no. 3. True

Ans to Q. no. 4. Legislative Assembly or Vidhan Sabha and the Legislative Council or Vidhan Parishad.

Ans to Q. no. 5. To be a member of the Legislative Assembly one must be a citizen of India and should have attained 25 years of age. He can not be a member of both houses of the State legislature or a member of the Union Parliament at the same time.

Ans to Q. no. 6. The Constitution provides that the total strength of the Legislative Council must not be less than 40 and not more than 1/3 of the total strength of the Legislative Assembly of the State.

Ans to Q. no. 7. According to the Constitution, a Legislature Assembly can not have more than 500 members and less than 60 members



7.9 MODEL QUESTIONS

A. Very Short Questions :

Q.1. Who is the leader of the State Council of Ministers?

Q.2. What is the maximum number of members of the State Legislative Assembly?

Q.3. How many members can be nominated by the Governor to the Legislative Council?

Q.4 "The members of the Legislative Council are elected indirectly". (True/ False)

B. Short Questions (within 150 words)

Q.1. Discuss the powers and functions of the Chief Minister.

Q.2. Who is the presiding officer of the Legislative Assembly?

C. Long Questions (answar each in about 300-500 words)

Q.1. Discuss the powers and functions of the legislative Assembly.

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