

5. The State Government

In the last chapters we understood the nature of Union Parliament and Union Executive. We were also introduced to the integrated Judicial System in India. In this chapter we will study the government of constituent states or State Government.

In the federal system, the government exists at two levels. Federal that is the Central Government works at the national level and the State government works at the regional or State level.

Background : India has a large geographic expanse with a multicultural population. There is diversity in language, religion, ways of life and regional characteristics. It would not have been possible to govern from a centralised place; therefore the Constitution has adopted a federal setup for India. It was decided to form the States on the basis of language. Accordingly, linguistic reorganisation of states took place.

The nature of government machinery in all states of India is same. However, Jammu and Kashmir is an exception. Let us now study the nature of governance in states with reference to Maharashtra.



Do you know ?

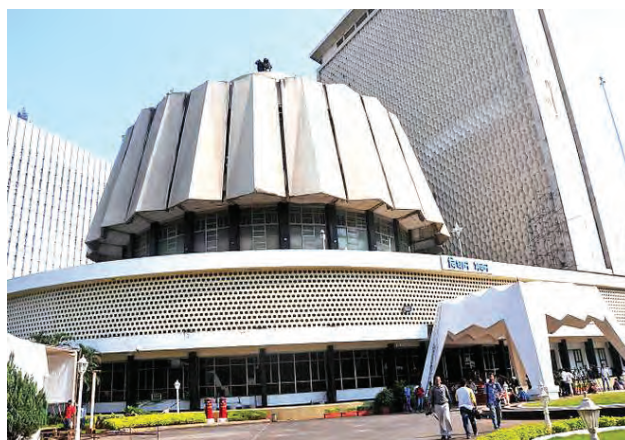
India has 28 Constituent States but there are 31 Vidhan Sabhas. This is because the Union Territories of Delhi and Puducherry and Jammu and Kashmir both have Vidhan Sabhas.

State Legislature : Like the Parliament at the central level, every State has its own legislature. But only seven states in India have two Houses i.e. Bicameral legislatures. Maharashtra has a bicameral legislature. The members of State legislatures are known as Members of Legislative Assembly (MLA) or

Members of Legislative Council (MLC).

Legislature of Maharashtra :

Legislature of Maharashtra has two Houses, namely - Vidhan Sabha (Legislative Assembly) and Vidhan Parishad (Legislative Council).



Vidhan Bhavan, Mumbai

Vidhan Sabha (Legislative Assembly):

This is the first House of the Maharashtra legislature and comprises of 288 members. In case there is inadequate representation of the Anglo-Indian community the Governor nominates one member from this community in the Vidhan Sabha. Some seats are reserved for the Scheduled Castes and Scheduled Tribes. Maharashtra is divided into territorial constituencies for the purpose of elections. One member is elected from each of the constituencies.

Tenure of Vidhan Sabha is 5 years. However, in exceptional circumstances elections can be held before the completion of 5 years. Any citizen residing in Maharashtra and who has completed 25 years of age can contest the elections to the Vidhan Sabha.

Speaker of Vidhan Sabha : The proceedings of the Vidhan Sabha are carried out under the supervision and guidance of the Speaker. The elected members of the newly constituted Vidhan

Sabha elect the Speaker and Deputy Speaker of the Vidhan Sabha from amongst themselves. The Speaker has many responsibilities which range from the power to prepare the order of business, to carry out the proceedings of the House in a disciplined manner, or to suspend members for misbehaviour or misconduct. In absence of the Speaker, the responsibility is taken over by the Deputy Speaker.

Maharashtra's legislature conducts minimum three sessions in a year. The budget session and monsoon session is conducted in Mumbai while the winter session is conducted in Nagpur.

Vidhan Parishad (Legislative Council) : It is the second House of the Maharashtra legislature and members are indirectly elected from various sections of society. There are 78 members in the Vidhan Parishad of Maharashtra. Of these some members who are distinguished personalities from the fields of literature, science and social service are nominated by the Governor; remaining representatives are elected by the members of Vidhan Sabha, local government institutions, teacher-constituencies and graduate constituencies.

The Vidhan Parishad is never fully dissolved. A specific number of members retire every 2 years and these vacant seats are filled again by conducting fresh elections for those seats. The proceedings of the Vidhan Parishad are conducted under the control and guidance of the Chairman. In absence of the Chairman, the Deputy Chairman takes over the responsibility.

Executive of Maharashtra : The Governor, Chief Minister and the Council of Ministers together form the executive of Maharashtra.

Governor : The President is a nominal head at the Centre while the

Governor is the nominal head at the state-level.

Governor is appointed by the President and holds the office during the pleasure of the President. The Governor also enjoys certain legislative powers. For example, the bills passed by the Vidhan Sabha and Vidhan Parishad are converted into laws only after receiving the assent of the Governor. The Governor has the right to summon the session of the state legislature. When the legislature is not in session but the need arises to make the law, then the Governor can issue an Ordinance for the same.

Chief Minister and Council of Ministers : The leader of the majority party in Legislative Assembly becomes the Chief Minister. The Chief Minister includes his/her trustworthy colleagues in the Council of Ministers. Like the Prime Minister who is the executive head of the Union, the Chief Minister is the head of the state executive. The government of the state is run in the name of the Governor. But in reality, the administration is carried out by the Chief Minister.

Functions of the Chief Minister

Creation of the State Executive : After proving the majority, the Chief Minister forms his/her Council of Ministers. This is a challenging task because in order to make the Council more representative, various regions and social groups (Scheduled Castes, Scheduled Tribes, Other Backward Castes, Women, and Minorities etc.) have to be accommodated. If no party secures a clear majority, different parties can come together to form the government. In such case, the Chief Minister has to perform the difficult task of giving a place to all the constituent parties in the alliance.

Distribution of portfolios : After the formation of the Council of Ministers, the

Chief Minister has to distribute portfolios among the ministers. While distributing portfolios, he/she has to consider the political experience, administrative skills, awareness of public opinion, leadership qualities etc.

Coordination between Ministries/ Departments : The Chief Minister along with his Council of Ministers are collectively responsible to the Legislative Assembly. The Chief Minister bears the ultimate responsibility of the efficient administration. Absence of cooperation and coordination between Departments can affect the working of the government. Therefore, the Chief Minister has to resolve conflicts between Departments and ensure that they work towards the same goal and in the same direction.

Leader of the State : Just as the Prime Minister leads the country, the Chief Minister leads the state. The Chief Minister has to make new policies by taking note of problems and concerns of people and work towards the welfare of the people of the state. The people look at the Chief Minister as a problem solver. The Chief Minister intervenes in issues facing the state and comforts the people.

Maharashtra is one of the progressive States in India. The State leads in sectors like education, industry, service sector, health and social security etc. Terror attacks and Naxalite (Left-wing extremist) movements active in certain regions are the two major challenges facing the State of Maharashtra.

Exercise

1. Choose the correct option and complete the statements.

- (1) The Winter session of Maharashtra Legislature takes place at
(a) Mumbai (b) Nagpur
(c) Pune (d) Aurangabad
- (2) The appoints the Governor.
(a) Chief Minister (b) Prime Minister
(c) President (d) Chief Justice
- (3) The right to summon the state legislature lies with the
(a) Chief Minister (b) Governor
(c) President (d) Speaker

2. Complete the table.

Sr. No.	Houses	Tenure	No. of Members	Type of Election	Head
1.	Vidhan Sabha				
2.	Vidhan Parishad				

3. Write short notes on.

- (1) The Governor

- (2) Functions of the Chief Minister

4. Answer the following in brief.

- (1) Enumerate the functions of the Speaker of the Vidhan Sabha (Legislative Assembly).
- (2) Why did the Constitution adopt a federal system for India?
- (3) What are the considerations of the Chief Minister while allocation of portfolios?

Project

Visit official website of the Maharashtra Government and collect information of various ministers and the working of their respective departments.

