

**19**

## **GOVERNANCE AT THE STATE LEVEL**

As you have read, India is a federation having governments at two levels: state level and union or central level. Every citizen is related to and influenced by the governments functioning at both the levels. We are all guided by the laws made by state and union legislatures, administered by both the governments and get justice from courts at both the levels. All the three branches of government, executive, legislature and judiciary exist and function at both the levels. For a comprehensive understanding of the system of governance, this lesson discusses the institutions and processes of the government at the state level.



### **OBJECTIVES**

After completing this lesson, you will be able to:

- explain the method of appointment, powers and position of the Governor;
- assess the relationship between the Governor and the Chief Minister, Chief Minister as the real head of the state government and his/her powers and role;
- explain the composition and powers of the state Council of Ministers;
- analyze the composition and powers and functions of the State Legislature;
- appreciate the organisation and jurisdiction of the High Court as well as the working of the Subordinate Courts; and
- describe the need of a government at the state level and analyse how it impacts citizens and their daily life.

### **19.1 GOVERNOR**

You have studied in the lesson on “Constitutional Values and the Indian Political System” that India has a parliamentary form of government. Both at the state and union levels it has institutions and processes in place like any other parliamentary



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system. At the state level, there is a Governor in whom the executive power of the State is vested by the Constitution. But the Governor acts as a nominal head, and the real executive powers are exercised by the Council of Ministers headed by the Chief Minister.



Figure 19.1 Raj Bhavan, Ahmedabad

### 19.1.1 Appointment

The Governor of a State is appointed by the President of India. In order to become a Governor, a person must have the following qualifications. He/She:

- (a) must be a citizen of India,
- (b) must be at least 35 years old, and
- (c) should not hold any office of profit during his/her tenure.

If a person is a member of either House of the Parliament or the Legislature of a State, or a member of the Council of Ministers at the national or the state level and is appointed as Governor, he/she resigns that post. The Governor is appointed for a term of five years but normally holds office during the pleasure of the President. The pleasure of the President means that the Governor may be removed by the President even before the expiry of his/her term. He/She may also resign earlier. However, in reality, while appointing or removing the Governor, the President goes by the advice of the Prime Minister.



### ACTIVITY 19.1

Although there is a Governor in each State, there can be one Governor for two or more States. At times, if a Governor resigns then the Governor of a neighbouring

State looks after the administration of two States. Even now there may be some such cases. Find out from your teachers or friends or newspapers/internet at least one case where one person is the Governor of more than one State?

### 19.1.2 Powers of Governor

With every job there are powers attached. The powers of the Governor are conferred by the Constitution to enable him/her to perform his/her functions effectively as a Head of the State.

The powers of the Governor can be categorized as (i) executive powers, (ii) legislative powers, (iii) financial powers, (iv) judicial powers, and (v) discretionary powers.

- (a) **Executive Powers:** The Constitution of India vests the entire executive powers of the State in the Governor who performs these functions according to the aid and advice of the Council of Ministers with the Chief Minister as its head. He/She appoints the Chief Minister and other members of the Council of Ministers. He/She also appoints persons on important posts such as the Chairpersons and Members of the State Public Service Commission, State Election Commission, State Finance Commission and the Advocate General, Judges of the courts, other than the High Court. He/She is consulted when the Judges of the State High Court are appointed by the President. But in practice the Governor's powers are only formal. He appoints only that person as Chief Minister who is the Leader of the majority in the Legislative Assembly. He/She appoints Members of the Council of Ministers only on the advice of the Chief Minister. All other appointments are made and executive functions are performed by him/her exactly as per the advice of Council of Ministers.
- (b) **Legislative Powers:** The Governor is an inseparable part of the State Legislature and as such he/she has been given certain legislative powers. He/She has the right to summon and prorogue the State Legislature and can dissolve the State Legislative Assembly. He/She addresses the State Legislative Assembly or the joint sessions of the two houses of the legislature. He/She may nominate one person of Anglo-Indian Community as a member of Legislative Assembly in case the community is not represented. He/She also nominates one-sixth of the members to the Legislative Council, if the State has a bi-cameral legislature. Once again, in real practice the Governor does all this on the recommendations of the Council of Ministers headed by the Chief Minister. A bill passed by the State Legislature becomes a law or Act only when the Governor gives assent to it.
- (c) **Financial Powers:** You must have read in the newspapers that every year the budget is presented by the government in the Legislature for its approval. In fact, the budget i.e. 'the Annual Financial Statement' of the State is prepared and presented by the State Finance Minister before the State Legislature, on behalf



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of the Governor. Moreover, no money bill can be introduced in the State Legislature without the recommendations of the Governor. He/She also has control over the State Contingency Fund.

- (d) **Discretionary Powers:** As we have seen earlier, the Governor acts on the advice of the State Council of Ministers. This means that in reality, the Governor has no powers. But according to the Constitution, under special circumstances, he/she may act without the advice of the Council of Ministers. Such powers, which are exercised by the Governor on his own, are called discretionary powers. Firstly, if no political party or coalition of parties wins a clear majority in the Legislative Assembly, he/she can exercise his/her discretion in inviting a person to be the Chief Minister. Secondly, the Governor acts as a link between the Centre and the State. He/She can reserve any bill passed by the State Legislature for the consideration of the President of India. Thirdly, if he/she thinks that the government of the State is not functioning according to the Constitution, he/she can report to the President. In that case under Article 356, the President's Rule is imposed, the State Council of Ministers is removed and the State Legislature is dissolved or put under suspension. During such emergency, the Governor rules on behalf of the President.

### 19.1.3 Relationship between the Governor and the Council of Ministers

As we have seen above, the State executive consists of the Governor, the Chief Minister and the Council of Ministers. Normally, the Governor exercises all his/her powers on the advice of the Council of Ministers. We know that when the Chief Minister is sworn in, the Governor simply performs a formal duty. He/She invites the leader of the majority in the State Legislative Assembly to be sworn in as the Chief Minister. The members of the Council of Ministers are also appointed by the Governor on the recommendations of the Chief Minister. The majority can consist of members of Legislative Assembly belonging to one party or a group of parties and independents. However, when there is no clear majority in the House electing one candidate as its leader, the Governor can exercise his/her discretionary power. Similarly, although theoretically the Ministers hold their offices during the pleasure of the Governor, in practice the Chief Minister and the Council of Ministers remain in office till they enjoy the support of the majority in the Legislative Assembly. The Governor can dismiss them only when the President's Rule is imposed.

The Chief Minister is required to communicate to the Governor all the decisions of the Council of Ministers. He/She may call for necessary information related to the state administration. If a Minister individually takes a decision, the Governor may ask the Chief Minister to place such a matter for consideration of the Council of Ministers. It is true that the Governor is a nominal head and the real powers are exercised by the Council of Ministers headed by the Chief Minister. But it will not

be correct to say that the Governor is just a constitutional or ceremonial head. He/She can exercise his/her powers effectively under certain circumstances, especially when there is political instability in the State. Since he/she is a link between the Centre and the State, he/she becomes very effective, if the central government sends directions to the State government. The discretionary powers also make the Governor to act as a real executive in particular circumstances.



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### INTEXT QUESTIONS 19.1

1. There is one correct option out of four given in each of the following sentences. Tick (✓) the correct option:
  - (i) The Governor is: (a) elected (b) appointed (c) nominated (d) selected.
  - (ii) The candidate for the post of the Governor should have the age of: (a) 18 years 23 years (c) 30 years (d) 35 years.
  - (iii) The tenure of the Governor is: (a) 2 years (b) 5 years (c) 6 years (d) for life.
2. Given below are some statements. Indicate which statement is right and which is wrong.
  - (i) The Governor can appoint any person the Chief Minister and a Member of the Council of Ministers. Right/Wrong
  - (ii) The Governor can appoint the Chairperson of the State Public Service Commission on the advice of the Council of Ministers. Right/Wrong
  - (iii) The Governor is an inseparable part of the State Legislature. Right/Wrong
  - (iv) There is no need of getting the consent of the Governor, if a Bill is passed by the State Legislature. Right/Wrong
  - (v) No Money Bill can be introduced in the Legislative Assembly without the recommendations of the Governor. Right/Wrong
3. In one of the States, the Lokayukta had established corruption charge against the Chief Minister and a few Ministers. Demands were made for the resignation of the Chief Minister. In that situation the Governor sent a report to the President suggesting the State government was not functioning according to the Constitution and recommended the imposition of President's Rule on the State. Which power did the Governor use? Why do you think the Governor has been given such powers?

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## 19.2 THE CHIEF MINISTER AND COUNCIL OF MINISTERS

### 19.2.1 Appointment

As we have seen earlier, the Council of Ministers with the Chief Minister as its head functions as the real executive. You are also aware how the Chief Minister and other members of the Council of Ministers are appointed by the Governor. Their term of office is for five years, but they remain in office till they enjoy the support of the majority in the Assembly. If a person who is appointed as the Chief Minister or a Minister, is not a member of the State Legislature, he/she has to become member of any of the two houses within six months of his/her appointment. The portfolios or different ministries are allocated to the Ministers by the Governor on the advice of the Chief Minister.

### 19.2.2 Functions of the Chief Minister and Council of Ministers

Have you ever given thought to the fact that whenever anything happens in a State, it is the Chief Minister who is said to be responsible for that? If good things happen, he/she is praised, and if bad things occur, he/she is criticized. Why so? In fact, the Chief Minister is the Head of the Government in the State. He/She plays very important roles. He/She:

- advises the Governor on the appointment of Council of Ministers and allocation of portfolios to them;
- presides over the meetings of the State Council of Ministers and also coordinates the functioning of different ministers;
- guides the framing of the policies and programmes for the State and gives approvals of the Bills that are introduced by the Ministers in the State Legislature;
- is the sole link of communication between the Council of Ministers and the Governor. The Chief Minister communicates the decisions of the Council of Ministers relating to administration as well as proposals for the legislation to the Governor; and
- submits any matter on which decision has been taken by a Minister for consideration of the Council of Ministers, if the Governor desires him/her to do so.

### 19.2.3 Position of the Chief Minister

The Chief Minister is the real executive head of the State. It is he/she who formulates the policies and guides the Council of Ministers to implement them. He/She is the most powerful functionary, especially when one political party has an absolute



majority in the Legislative Assembly. But if he/she heads a coalition government, his/her role gets restricted by the pulls and pressures of other partners of the coalition. At times, he/she is pressurized by a few independent Members of Legislative Assembly (MLAs), if the majority in the House is thin.



### ACTIVITY 19.2

When no political party gets a clear majority, the Legislative Assembly elections, more than one political party and even independent M.L.As can come together to make a majority in the House. This government is known as a **coalition government**. Sometimes, political parties form an alliance before elections and contest the elections together. If they win a majority, the government formed by them is also known as a coalition government.

In view of the above understanding you have to do the following

1. Name two States where coalition governments are functioning at present and note down the names of major political parties which are partners in the coalition.
2. Identify the States where alliances among political parties were formed before elections and they fought and won the majority together.



### INTEXT QUESTION 19.2

- 1.. Identify which of the following statements is right and which is wrong:

- (i) The Governor presides over the meetings of the Council of Ministers.  
Right/Wrong
- (ii) The Chief Minister is the sole link between the Governor and the Council of Ministers.  
Right/Wrong
- (iii) The Chief Minister can be asked by Governor to place any matter for the consideration of the Council of Ministers.  
Right/Wrong
- (iv) The Governor is the real head of the government in the State.  
Right/Wrong
- (v) The Chief Minister can be asked by the Governor to place a matter which has been decided by a Minister for the consideration of the Council of Minister.  
Right/Wrong

2. Consider the following case:

“Quite a few serious corruption charges have been levelled against the Chief Minister of a State. The media has come out with strong evidences against this



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Chief Minister. In view of this case answer the following questions with justifications:

- (i) Should the Governor send a report to the President recommending imposition of President's Rule?
- (ii) Should the Constitution be amended for giving right to the people to call back (right to recall ) corrupt elected representatives ?
- (iii) Should the government continue in the interest of democracy, because the government is democratically elected and has the mandate received during last elections to rule over the State?

## 19.3 STATE LEGISLATURE

Every State has its Legislature. You are seeing below the building of the State Legislature of Karnataka. Let us understand how the State Legislatures are constituted. In some of the States the Legislature is *bicameral* i.e. has two houses. In most of the States it is *unicameral* i.e. has only one house. The Governor is an integral part of the State Legislature. The *unicameral* legislature has the Legislative Assembly and the *bicameral* has the Legislative Assembly being its Lower House and the Legislative Council the Upper House. At present only Bihar, Jammu & Kashmir, Karnataka, Maharashtra and Uttar Pradesh have *bicameral* legislatures and the remaining 23 States have *unicameral* legislatures.



Figure 19.2 Vidhan Saudha (Vidhan Sabha) Bangaluru

### 19.3.1 Composition of Legislative Assembly

The Legislative Assembly, i.e. *Vidhan Sabha* is the real legislature even in those States that have bicameral legislatures. According to the Constitution of India, a State





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Legislative Assembly shall not have more than 500 members and not less than 60 members. However, very small States like Goa, Sikkim and Mizoram have been allowed to have less than 60 members. Seats are reserved for the Scheduled Castes and Scheduled Tribes in the Legislative Assembly. If the Governor feels that the Anglo-Indian Community is not adequately represented, he/she may nominate one person of that community in the State Legislative Assembly. The Legislative Assembly is an elected body. Its members, M. L. As. are elected by the people based on the principle of universal adult franchise. There are certain qualifications prescribed by the Constitution for being elected as an M. L. A. The candidate must:

- be a citizen of India;
- have attained the age of 25 years;
- have his/her name in the voters' list;
- not hold any office of profit; and
- not be a government servant.

**Do you know**

**What is Universal Adult Franchise?:** All adults men/women who have completed the age of 18 and above have the right to vote and participate in the electoral process, without any discrimination based on race, caste, religion, place of birth or sex.

The tenure of the *Vidhan Sabha* is of five years. However, the Governor may dissolve the Assembly earlier on the advice of the Chief Minister. Similarly the Assembly may be suspended or dissolved when President's Rule is imposed in a State. During a national Emergency, the Parliament may extend the term of Legislative Assemblies for a period not exceeding one year at a time.

### 19.3.2 Composition of the Legislative Council

The upper chamber of the State Legislature i.e. the Legislative Council or *Vidhan Parishad* shall not have more than one third of the total membership of the State Legislative Assembly but not less than 40. The Legislative Council in Jammu & Kashmir has 36 members as an exception. The members of the Legislative Council are partly elected indirectly and partly nominated.

The composition of the Legislative Council is as follows:

- One-third members are elected by the members of local bodies i.e. Municipalities, District Boards and others in the State;
- Another one-third members are elected by the members of the Legislative Assembly;



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- One-twelfth members are elected by the electorate consisting of graduates of the State of not less than three years standing;
- Another one-twelfth are elected by the electorate consisting of teachers having teaching experience of at least three years in the educational institutions within the State, but these institutions must not be lower in standard than secondary schools; and
- The remaining one-sixth members are nominated by the Governor of the State.

The *Vidhan Parishad* is a permanent house, and hence it is not dissolved. Members are elected/nominated for a period of six years. One-third of its members retire after every two years. The retiring members are eligible for re-election. The qualifications for becoming members of the Legislative Council are similar to those for the members of the Legislative Assembly. However, the minimum age in case of Legislative Assembly is 25 years whereas for the Council it is 30 years.

The State Legislature meets twice a year at least and the interval between two sessions cannot be more than six months. The members of *Vidhan Sabha* and *Vidhan Parishad* elect their respective Presiding Officers, as well as Speaker and Deputy Speakers, the Chairman and Deputy Chairman.

The business of the two houses is conducted by their respective Presiding Officers who also maintain discipline and order in the houses.

### 19.3.3 Functions of the State Legislature

The State Legislature performs the following categories of functions:

- Legislative Functions:** The Assembly has the sole right to legislate. All the laws must be passed by it. Where there is a *bicameral* legislature, the ordinary Bills can be introduced in any of the Houses. A Bill passed by the Legislative Assembly is sent to the Legislative Council which has to pass it or to return it with recommendations to the Legislative Assembly. If the Legislative Assembly passes that Bill once again either with recommendations of the Council or without those, it shall be deemed to have been passed by both the Houses. As regards, Money Bills, these can be introduced only in the Legislative Assembly. After the Assembly passes the Money Bill, it goes to the Legislative Council which has to pass it or return the Bill to the Assembly with its recommendations within 14 days of the receipt of the Bill. Even if the Assembly rejects the recommendations of the Council, it will be deemed to have been passed by both the Houses. Once the Bill is passed by the Legislature, it is sent to the Governor for his/her assent. He/She cannot withhold the assent on the Money Bill but can send back an ordinary bill for reconsideration or can reserve any of the bills for consideration by the President.
- Control over the Executive:** The State Legislature keeps control over the executive. The Council of Ministers is responsible to *Vidhan Sabha* collectively.



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It remains in office so long as it enjoys the confidence of the House. The Council of Ministers is removed, if the *Vidhan Sabha* adopts a motion of no-confidence against it. Moreover, The State Legislature keeps checks on the government by asking questions and supplementary questions, moving adjournment motions and calling attention notices.

- (c) **Electoral Functions:** The elected members of the Legislative Assembly are members of the Electoral College for the election of the President of India. The members of the *Vidhan Sabha* also elect the members of the *Rajya Sabha* from their respective States. Moreover, they elect one-third members of the Legislative Council of their own State.
- (d) **Functions related to Constitutional Amendments:** There are important functions of the State Legislature related to the amendment of the Constitution. A constitutional amendment requires the support of a special majority of each House of the Parliament as well as ratification by not less than half of the States where the State Legislatures ratify the amendments.

## 19.4 IMPACT OF STATE GOVERNMENT ON CITIZENS AND THEIR DAILY LIFE

Have you ever realized how the policies and programmes of the State government which are often debated in the State legislatures impact our daily lives? All States run many schemes and projects which impact all of us directly or indirectly. A critical part of these are the welfare projects implemented by various State governments. Many times States also adapt Union Governments welfare schemes and implement them.

For example, in Andhra Pradesh and Rajasthan innovative efforts are being made for education of out-of-school children through residential bridge courses. This includes mentally challenged, hearing/visually impaired and physically challenged children. These efforts have enabled these children to join mainstream schools. The educational practices followed include education through play, and use of computer aided learning processes. As part of the Centre's Mid-Day Meal Scheme, in Uttar Pradesh, hot cooked meals are being provided to children in more than 95,000 government primary schools. Elected village Pradhans are responsible for implementing the scheme in schools. The State tries to provide a varied menu including wheat, rice, vegetables, soya and pulses (*dal*)

Maharashtra is implementing a School Sanitation and Hygiene Education programme, within which school children are leading the change. The children who are called *swachhata doots* are bringing awareness on sanitation and hygiene in schools, families and communities. This programme is run by Maharashtra State Government as part of Union Government's Total Sanitation Campaign.

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Government of Nagaland is leading the way in sharing with the community the management and control of government institutions in social sectors such as education, health and electricity.

**Do you know**

With the enactment of the Nagaland Communitisation of Public Institution and Services (Act No. 2) 2002 (Nagaland Communitisation of Elementary Education Institutions and Services Rule, 2002) on April 15, 2002, the education department began working towards communitisation of elementary education.

The word 'communitisation' was coined by the Chief Secretary to the Government of Nagaland in 2001 to explain the concept of Government sharing management and control of Government institutions with the community.

In many ways, communitisation of elementary education is in keeping with the tradition and spirit of the Naga community. Education has always been a priority for the Naga community., traditionally the *morong* or meeting hall of the village served as space for education, and the entire community took interest in it.

The State government began the process of communitising all elementary schools in 2002.

**INTEXT QUESTIONS 19.3**

Answer the following Questions:

- (i) Which are the three States which have a bicameral legislature.
- (ii) What would happen if a Money Bill passed by the Assembly and sent to the Legislative Council is not returned within 14 days?
- (iii) How much time is given to the Vidhan Parishad for passing an ordinary bill?
- (iv) What are the two main ways in which the Legislative Assembly keeps its control over the Council of Ministers?
- (v) What are the two electoral functions of the State Legislative Assembly?

**19.5 HIGH COURT AND THE SUBORDINATE COURTS**

You must have heard about the High Court of your State. According to the Constitution, there has to be a High Court for every State. A High Court may have more than one State under its jurisdiction. We have an example of Guwahati High Court that acts as a common High Court for the States of Assam, Meghalaya, Arunachal Pradesh, Nagaland, Mizoram, Manipur and Tripura. Mostly, the Union Territories come under the jurisdiction of the High Court of their neighbouring States.



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**Figure 19.3** *High Court, Guwahati*

### 19.5.1 Constitution of the High Court

Each High Court has a Chief Justice and Judges. The number of Judges in each High Court is determined by the President from time to time. There is no uniformly fixed number of Judges in all the High Courts. The Chief Justice and Judges of High Courts are appointed by the President. For appointment of the Chief Justice of the High Court, the President consults the Chief Justice of Supreme Court, whereas for the Judges, he/she also consults the Chief Justice of the concerned High Court. The Governor of the concerned State is also consulted for appointment of the Judges of the High Court. Judges can be transferred from one High Court to the other by the President on the advice of the Chief Justice of India.

In order to be appointed as a Judge of a High Court, the person concerned should possess the following qualifications. He/She:

- should be a citizen of India;
- should have held a judicial office in the territory of India for at least 10 years; or
- should have been an advocate in one or more High Courts for at least ten years continuously without break.

The Judges of High Court hold office till they attain the age of 65 years. However, a Chief Justice or a Judge can resign. A Judge can be removed from office through an impeachment process by parliament on grounds of proved misbehavior or incapacity. The Chief Justice and Judges are paid salaries and are also entitled to such privileges and allowances as determined by Parliament. After retirement, they may practice as advocates either in Supreme Court or in any High Court except the High Court(s) in which they have served as Judges.



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### 19.5.2 Jurisdiction of High Court

The jurisdiction of the High Court extends up to the territorial limits of the concerned State/States or Union Territories. The High Court has original and appellate jurisdictions. Under the original jurisdiction certain types of cases may be brought directly before a High Court. The High Court exercises original jurisdiction for the enforcement of Fundamental Rights and other legal rights. In this respect High Court has the power to issue writs. These writs go a long way in protecting the rights of the individual against encroachment by the legislature, the executive or any other authority. The High Court may also hear election petitions under its original jurisdiction challenging election of a member of State Legislature.



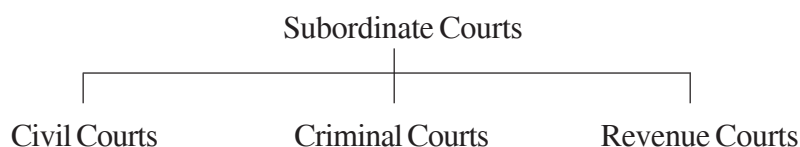
#### Do you know

Writs are the directions or orders which are issued by the Supreme Court or the High Courts for the enforcement of Fundamental Rights. The courts thus are the guarantors of these rights.

Under appellate jurisdiction, High Courts hear appeals against the judgments of the subordinate courts at the district level. In civil cases, an appeal may be filed before the High Court against the judgment of a District Judge. In criminal matters, appeal may be made before a High Court against the judgment of a Sessions Court, where the sentence of imprisonment exceeds seven years. Death sentence awarded by a lower court has to be confirmed by the High Court. The High Court exercises powers of control and superintendence over all subordinate courts falling within its jurisdiction. The High Court is a Court of Record. Hence, all the subordinate courts follow the judgments of the High Court. High Courts may also punish for contempt or disrespect of the Court.

### 19.5.3 Subordinate or Lower Courts

There are subordinate courts at district and sub-divisional levels. There is a District and Sessions Judge in each district. Under him/her there is a hierarchy of judicial officers. The organisation and working of subordinate courts in India are more or less uniform throughout the country as given below:



As seen in the illustration, these subordinate courts hear civil cases, criminal cases and revenue cases.



**Civil Cases:** These cases filed in civil courts pertain to disputes between two or more persons regarding property, breach of agreement or contract, divorce or disputes between landlords and tenants. All these cases are settled by civil courts. In such civil cases, the court does not award any punishment as violation of law is not involved.

**Criminal Cases:** Such cases relate to theft, robbery, rape, pick-pocketing, physical murder etc. These cases are filed in the criminal courts by the police, on behalf of the State, against the accused. In such cases, if the court finds the accused guilty, he/she is awarded punishment.

**Revenue Courts** Board of Revenue exists at the State level, Under it are the Courts of Commissioner, Collector, Tehsildars and Assistant Tehsildars. The Board of Revenue hears the final appeals against all the lower revenue courts under it. All States do not have a Board of Revenue. Andhra Pradesh, Gujarat and Maharashtra have Revenue Tribunals, Haryana, Punjab, Himachal Pradesh and Jammu and Kashmir have Financial Commissioners instead of the Board.



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### INTEXT QUESTIONS 19.4

- Fill in the blanks:
  - Guwahati High Court acts as a High Court of ..... States of North-East India.
  - The Chief Justice of a High Court is appointed by ..... in consultation with .....
  - The High Court has ..... jurisdiction and ..... jurisdiction.
  - There are three kinds of subordinate courts: (i) ..... (ii) ..... and (iii) .....
- Gather information about the names of the Chief Justice and the Judges of the High Court of your State or any one State. Find out from the list how many Lady Judges are there? You may find very few or even none. Write down the reasons for this situation.



### WHAT YOU HAVE LEARNT

- India is a federal system, that is why, it has governments both at the union level and at state level. At both the level governments are organized and they function based on the principles of Parliamentary System

## MODULE - 3

Democracy at Work



### Notes

### Governance at the State Level

- The Governor is the Head of the State. He/She is appointed by the President of India. Constitutionally, he has extensive executive, legislative, financial and discretionary powers. But in practice he/she exercises those powers except the discretionary ones, at the advice of the Council of Ministers.
- The real executive in the State is the Council of ministers headed by the Chief Minister. It, therefore, has rightly been stated that the Chief Minister is the real head of the state government.
- Most of the States in India have unicameral legislatures while some of them have bicameral legislature. The two houses of the State Legislature are: Legislative Assembly and Legislative Council. The States with unicameral legislature have only Legislative Assemblies. The primary function of the State Legislature is law-making. In addition to this, the State Legislative Assembly also controls the Council of Ministers.
- High Courts are at the top of the state level judiciary. These courts have original and appellate jurisdictions. Besides, there are Subordinate Courts that decide civil, criminal and revenue cases.



### TERMINAL EXERCISES

1. How is the Governor appointed? What are the powers and functions of the Governor?
2. How is the Council of Ministers constituted? Explain the powers and the position of the Chief Minister.
3. Examine the organization, powers and functions of the State Legislature.
4. Explain the jurisdictions of the High Court.
5. What kinds of cases are considered in the subordinate courts.



### ANSWERS TO INTEXT QUESTIONS

#### 19.1

1. (i) (b)  
(ii) (d)  
(iii) (b)
2. (i) Wrong  
(ii) Right



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- (iii) Right
- (iv) Wrong
- (v) Right\

3. Write the answer based on your understanding. You may refer to Section 19.1.2(d)

## 19.2

1.
  - (i) Wrong
  - (ii) Right
  - (iii) Wrong
  - (iv) Wrong
  - (v) Right
2. Write the answer based on your understanding of the role of the Governor in the Indian democracy. You can find out more about similar cases from elders or your teachers.

## 19.3

1.
  - (i) Bihar, Jammu & Kashmir, Karnataka
  - (ii) Bill will be deemed to have been passed by both Houses
  - (iii) One month
  - (iv) By asking questions and supplementary questions, moving adjournment motion and calling attention notices, and by passing a no-confidence motion, in which case the Council of Ministers resigns
  - (v) The elected members constitute the Electoral College that elects the President of India. The members of Vidhan sabha elect members of Rajya Sabha from their respective States.

## 19.4

1.
  - (a) seven
  - (b) the President of India, the Chief Justice of the Supreme Court
  - (c) Original, Appellate
  - (d) (i) Civil Courts, (ii) Criminal Courts, (iii) Revenue Courts
2. Answer the question by gathering the needed information.