

## **7. State Government**

### **Very Short Answer**

#### **1. Question**

Despite the increase in the population, till when the number of the State Assembly will remain the same.

#### **Answer**

The state legislature consists of the governor and the legislative assembly. The legislative council is the upper house, only seven states have two houses. The parliament is empowered to determine the authority, and it has enacted the Delimitation Commission Act for the readjustment.

The present delimitation of constituencies has been done on the basis of 2001 census under the provisions of Delimitation Act, 2002.

#### **2. Question**

Which state of the Indian Union has 2 Houses of Legislature?

#### **Answer**

The state legislature consists of the governor and the legislative assembly. The legislative council is the upper house, only seven states have two houses. There are 7 states that have a bicameral legislature.

Andhra Pradesh, Telangana, Uttar Pradesh, Bihar, Mahashtra, Karnataka and Jammu & Kashmir.

#### **3. Question**

How many members can the Governor nominate in the Legislative Council?

#### **Answer**

One-third member is elected by the local bodies in the state, one-twelfth are elected by the graduates residing in the state for three years, one-twelfth are elected by the teachers with three years standing in the state, and one third are elected by the members of state legislative assembly.

The remaining members, i.e., One-sixth of the total members of the council are nominated by the Governor. Those nominated by the Governor should have special knowledge or practical experience in Literature, science, art, co-operative movement and social service.

#### **4. Question**

Name the post of the Chief Officers of the Legislative Assembly and Legislative Council of the state.

**Answer**

Legislative Assembly:

Speaker is the main office bearer of the Legislative Assembly. S/he is elected from among the members of the assembly and their tenure is till the tenure of the house.

Legislative Council:

Chairman is the main office beare of the Legislative Council. S/he is elected from among the members of the Council.

**5. Question**

Which house of the legislature does not have the right to pass a resolution of no-confidence motion against the state Council of Ministers?

**Answer**

The state legislature consists of the governor, legislative council and the legislative assembly. The legislative council is the upper house, only seven states have two houses.

The legislative council does not have the right to pass a resolution of no confidence motion because the council of ministers are collectively responsible to the assembly only.

**6. Question**

How many members are elected in the legislative council by the electoral group?

**Answer**

The Chief Minister is appointed by the Governor and the other ministers are appointed by the Governor on the advice of Chief Minister. The council of Minister with the Chief Minister as head advice the governor.

Five-sixths of the total members of the council are indirectly elected and one-sixth are nominated by the governor.

**7. Question**

With whose desire the elected in the legislative council by the electoral group?

**Answer**

The Chief Minister is appointed by the Governor and the other ministers are appointed by the Governor on the advice of Chief Minister. The council of Minister with the Chief Minister as head advice the governor.

one-third member is elected by the local bodies in the state, one-twelfth are elected by the students residing in the state for three years, one-twelfth are elected by the teachers with three years standing in the state and one third are elected by the members of state legislative assembly.

### **8. Question**

In what lies the Governor can remain on his post?

#### **Answer**

The governor of a state is the nominal head of that state. He/she is appointed by the President. He must not be a member of either house of parliament or state legislature. The Governor remains in office for the term of 5 years.

- a. He should not hold any office of profit.
- b. He must be a citizen of India.
- c. He must be of 35 years of age.

### **9. Question**

What is the order of the Governor, issued under special circumstances during the session of the State Legislature?

#### **Answer**

The order of the Governor, issued under special circumstances during the session of the State Legislature is called ordinance. The ordinance must be issued when the state legislature is not in session.

Such ordinance must be approved by the state legislature within six weeks from its reassembly.

### **10. Question**

What oath has to his take the Chief Minister before the Governor before his accession?

#### **Answer**

The Chief Minister is the real executive of the state. The Chief Minister along with the council of Minister formulates the major policies of the state.

- a. The Chief Minister takes the oath to uphold the dignity and integrity of India.
- b. To faithfully discharge his duties.
- c. To do right to all manner of people.

### **11. Question**

The Provision of the formation of the High Court has been done under which Article of the Constitution.

### **Answer**

The High Court is at the apex of the judiciary in the state. Every High Court has a chief justice and other judges, they are appointed by the President after consulting the Chief Justice of concerned HC and governor.

Under article 226 and 227, the provision of the formation of the High Court has been done.

### **12. Question**

Whom does the High court Judge address his resignation?

### **Answer**

The Judges of the high court are appointed by the president after consulting the chief justice of respective high court and the governor of that state. The judge could be removed by the President only after an address by the Parliament has been presented to him.

The High Court judge addresses his resignation to the President of India.

### **Short Answer**

#### **1. Question**

Mention any three such circumstances that the membership of an assembly member ends.

### **Answer**

A member can be disqualified:

- a. if he holds s any office of profit under the Union or state government.
- b. If he is of unsound mind.
- c. If he is not a citizen of India.

#### **2. Question**

Briefly summarize the function of the speaker of the Assembly.

### **Answer**

The Assembly chooses two of its members as the Speaker and the Deputy Speaker.

- a. The Speaker is the guardian of the rights and liberties of the House
- b. He is responsible for the orderly transaction of business in the House.

- c. He maintains the decorum of the house.
- d. He decides whether the bill is a money bill or not.

### **3. Question**

Suppose you are the speaker of the assembly and the member of the House wants to remove you. For this briefly, explain the method need to follow.

#### **Answer**

The speaker presides the house and is chosen amongst the members of the assembly.

To remove the speaker a resolution has to be passed by the majority of all the then members of the assembly .before presenting such resolution in the house 14 days advance notice has to be given.

### **4. Question**

To establish a Legislative Council in Rajasthan, What methods will be adopted?

#### **Answer**

The constitution provides for the formation and abolition of legislative councils in states.

A resolution will be passed by the Rajasthan state legislative assembly with the special majority, that is, the majority of the total membership of the assembly and majority of not less than two-thirds of the members of the assembly present and voting. Then the parliament will create a legislative council in the state.

### **5. Question**

What qualifications are required in a candidate for the post of Governor?

#### **Answer**

The governor of a state is the nominal head of that state. He/she is appointed by the President. The governor holds the office for a term of five years.

- a. he must not be a member of either house of parliament or state legislature.
- b. He should not hold any office of profit.
- c. He must be a citizen of India.
- d. He must be of 35 years of age.

### **6. Question**

Explain the power of the Governor's discretion.

## **Answer**

The governor of a state is the nominal head of that state. He/she is appointed by the President. He/she must not be a member of any house of parliament or state legislature.

A. In a situation where no party gets an absolute majority, the Governor exercises his discretionary powers in appointing the Chief Minister.

B. A minister holds offices during the pleasure of the Governor.

C. Advises the President for the proclamation of Emergency.

D. Reservation of a bill for the consideration of the President.

## **7. Question**

How is the State Council of Ministers formed?

## **Answer**

The Chief Minister is appointed by the Governor and the other Ministers are appointed by the Governor on the advice of Chief Minister. The Council of Minister with the Chief Minister advise the governor.

The strength of the Council of Minister must not exceed 15% of the total strength of the state legislative assembly.

## **8. Question**

Briefly explain the functioning of the State Council of Ministers.

## **Answer**

The Chief Minister is appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister.

Council of Ministers with the Chief Minister as the head aid and advise the Governor in the exercise of his functions. The executive functions of the State are exercised on the aid and advice of the Council of Ministers. Functions of State Council of Ministers are:

1. Formulation of policies.
2. Advice the Governor in appointing the Advocate-General, the Members of the State Public Service Commission, the Vice-Chancellors of the State Universities and members of various Boards and Commissions.
3. Execution of Central Laws and Decisions of the Union Government
4. Control over exchequer as a Money Bill can only be introduced by a minister.

## **9. Question**

Describe any two qualifications for the appointment of the High Court Judge.

**Answer**

The High Court is at the apex of the judiciary in the state. Every High Court has a chief justice and other judges, they are appointed by the President after consulting the Chief Justice of concerned HC and governor.

- a. He should be a citizen of India.
- b. He should have held judicial office for 10 years in India.
- c. He should have been an advocate of the high court for 10 years.

**Long Answer**

**1. Question**

Discuss the formation, right, and functions of the Legislative Assembly.

**Answer**

The state legislature consists of state legislative assembly and governor, some states also have a legislative council.

Formation and composition of the legislative assembly:

- a. The assembly consists of member directly elected by the people of the state through universal adult franchise.
- b. The maximum strength of the house is 500, and the minimum is 60 depending on the size of the state.
- c. The governor can nominate one member from the Anglo Indian community.

Rights and functions of the assembly are:

- a. The State Legislature has got the power of making laws on the subjects of the State List and the Concurrent List and the power actually relies on the assembly.
- b. The bills are first introduced in the Legislative Assembly, and these go to the Legislative Council.
- c. The Legislative Assembly controls the finances of the State. A Money Bill originates only in the state assembly.
- d. The Legislative Assembly controls the State Council of Ministers. The Chief Minister is the leader of the majority party in the Legislative Assembly.
- e. The State Legislative Assembly enjoys a role with regard to the amendment of the Indian Constitution.
- f. The State Legislative Assembly elects its own Speaker and Deputy Speaker. It can also remove either of them through a vote of no- confidence.

## 2. Question

Mention the formation, right, and functions of the Legislative Council.

### Answer

The state legislature consists of state legislative assembly and governor, some states have a legislative council. Only seven states in India has a bicameral legislature.

#### **Formation of the legislative council:**

- a. The members of the council are indirectly elected.
- b. The maximum strength is one-third of the total strength of that particular state assembly.
- c. The minimum strength is 40.

#### **Rights and functions of the state councils are :**

- a. The ordinary bills can be introduced in the council.
- b. It approves the ordinances issued by the governor.
- c. It considers the reports submitted by the State Finance Commission, State Public Service Commission and so on.
- d. The Council participates in the decisions related to the enlargement of the jurisdiction of the State Public Service Commission.

## 3. Question

Explain the procedure to pass an ordinary bill in the State Council.

### Answer

The ordinary bill could be introduced in either house of the state legislature.

- a. It can be introduced by either minister or private members.
- b. It is passed to the state assembly after three readings in the state council.
- c. The bill suspends if the legislative assembly rejects the bill.
- d. The bill becomes dead.
- e. But if it gets accepted by the latter, then the bill becomes an Act.

## 4. Question

Discuss the appointment and power of the Governor.

### Answer

The Governor of the state is appointed by the President.



The powers of the governor:

- a. The Governor of a State has the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offense.
- b. He appoints the chief minister of the state.
- c. All the executive actions of the state are taken under his name,
- d. He summons and prorogues the state legislature.
- e. He addresses the first session of the assembly after the election.

### **5. Question**

Describe the formation and powers of the Council of Ministers.

#### **Answer**

The council of ministers is appointed by the governor on the advice of the chief minister.

- a. There is a Council of Ministers with the Chief Minister as the head to aid and advise the Governor in the exercise of his functions.
- b. The executive functions of the State are exercised on the aid and advice of the Council of Ministers with the Chief Minister as the head.
- c. The Chief Minister is appointed by the Governor, and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister.

### **6. Question**

Discuss the role of Chief Minister in the State Administration.

#### **Answer**

The chief minister of a state is the head of executive branch of state. He is the leader of the majority win party.

- a. The Chief Minister advises the Governor regarding the appointment of other Ministers and the distribution of portfolios among them.
- b. The Chief Minister is the leader of the Cabinet.
- c. He presides over its meetings and decides its agenda.
- d. If there is any conflict between two Ministers, he would try to resolve their conflict.
- e. The Chief Minister keeps the Governor informed of all important decisions and initiatives taken by the government.

### **7. Question**

Explain the Organization and jurisdiction of the High Court.

**Answer**

the jurisdiction of the high court are:

Original Jurisdiction:

- a. Cases relating to marriage/divorce can be directly entertained by the High Court.
- b. Dispute relating to an election between parliament and the state legislature.
- c. Enforcement of fundamental rights.

Writ jurisdiction:

The High Court has the power to issue any person or authority, directions, orders or writs in nature of Habeas Corpus, Mandamus, Prohibition, Quo Warranto and Certiorari or any of them for the enforcement of any of the fundamental rights and for any other purpose.

Appellate jurisdiction:

It hears appeals against the judgments of the subordinate courts functioning in its territorial jurisdiction. It has appellate jurisdiction in both criminal and civil matters.