



## Making of Laws in the State Assembly

So far, we have been reading about how people managed their public affairs – how they ruled or were ruled. We studied about tribal societies which were small and which managed all their public affairs through consultation in meetings and had a headman who carried out the decisions. In kingdoms and empires, we saw how these matters were decided by Kings and their officials, how kings fought with each other to gain control over more people and lands. We also saw how chiefs and warriors controlled the lives of people and levied taxes on them at their will. They used the money to build large palaces for themselves, to fight wars and also to build some public utilities like tanks, canals and temples or mosques. We also saw how the British established their power so as to exploit the resources of our country and how this was resisted by our people.

Today, we do not have any kings or warriors ruling us. We became independent of the British rule more than 70 years ago. So how do we rule ourselves now? You know that there are MPs, MLAs, Ministers, Chief Ministers and higher officials. Are they like the kings of olden times? Can they do what they please? No, modern governments are run according to laws. No one is above the law and all ministers and officials have to function according to laws. But who makes the laws? How are the laws made? Are they made as per the whims of the rulers? No, the laws are made by the Legislative Assemblies and the Parliament. The Constitution of India lays down how these bodies can make laws. They make laws according to some procedures. In this chapter, we will read in detail about how state legislatures make laws.



*Fig 16.1 Telangana -Assembly*

Here is a news item - let us try to understand what is being said in it about Andhra Pradesh Prohibition of Smoking and Health Protection Act 2002

## Bill for ban on public smoking passed

HYDERABAD, MARCH 27.

Our Special Correspondent

The Andhra Pradesh State Legislative Assembly on Wednesday passed a bill providing for prohibition of smoking in places of public work or public use and in public service vehicles. It also provides for conviction and levying of fines ranging from Rs. 100 to Rs. 1,000 on those who contravene the provisions.

Some of the concerns expressed by the Opposition members include implementation of ban on sale of cigarettes within 100

metres of educational institutions, sale to those below 18 years and prohibition of advertisement of cigarettes. Others spoke of the effect it would have on the livelihood of tobacco farmers and pan shop owners. The Minister allayed their apprehensions.

The Minister said the legislation was necessary in view of the harmful effects of smoking on the health of people and in pursuance of the

Supreme Court directions given on November 2, 2001. Those contravening Sections 5, 6 and 10 relating to ban on smoking in public places and public service vehicles and display of no smoking board, would be punishable with a fine, which may extend to Rs. 100 and for second or subsequent offence with a fine of Rs. 200 which may extend to Rs. 500.

Adapted from *The Hindu*  
March 27-02

- ◆ Newspaper articles are often written with the assumption that they are read by adults. So first, find out the meanings of the words – *conviction, allayed, apprehension, pursuance, contravening, implementation.*
- ◆ In the context of the above news item, fill in the following
  - 1) A \_\_\_\_\_ was passed to prohibit smoking in public places (bill, custom, law, rule).
  - 2) Prohibition of smoking does not include \_\_\_\_\_ (place of work, public vehicles, private garden, bus stand).

- 3) The legislation was in order to \_\_\_\_\_ the directions from Supreme Court (silence, punish, follow, dismiss).
  - 4) The bill was passed in the \_\_\_\_\_ (Supreme Court, Ministry, Collectorate, Assembly).
- ◆ Does the newspaper article suggest that everyone had the same opinion about the bill?
  - ◆ What are the provisions for punishment mentioned in the newspaper?

The Constitution of India provides for a Legislature for every State. The legislature of every State consists of the

Governor and one or two Houses. The legislatures in the State are either bicameral (consisting of two Houses) or unicameral (consisting of one House). The Lower House is always known as the Legislative Assembly and the Upper House, wherever it exists, as the Legislative Council. At present, very few States have bicameral legislature.

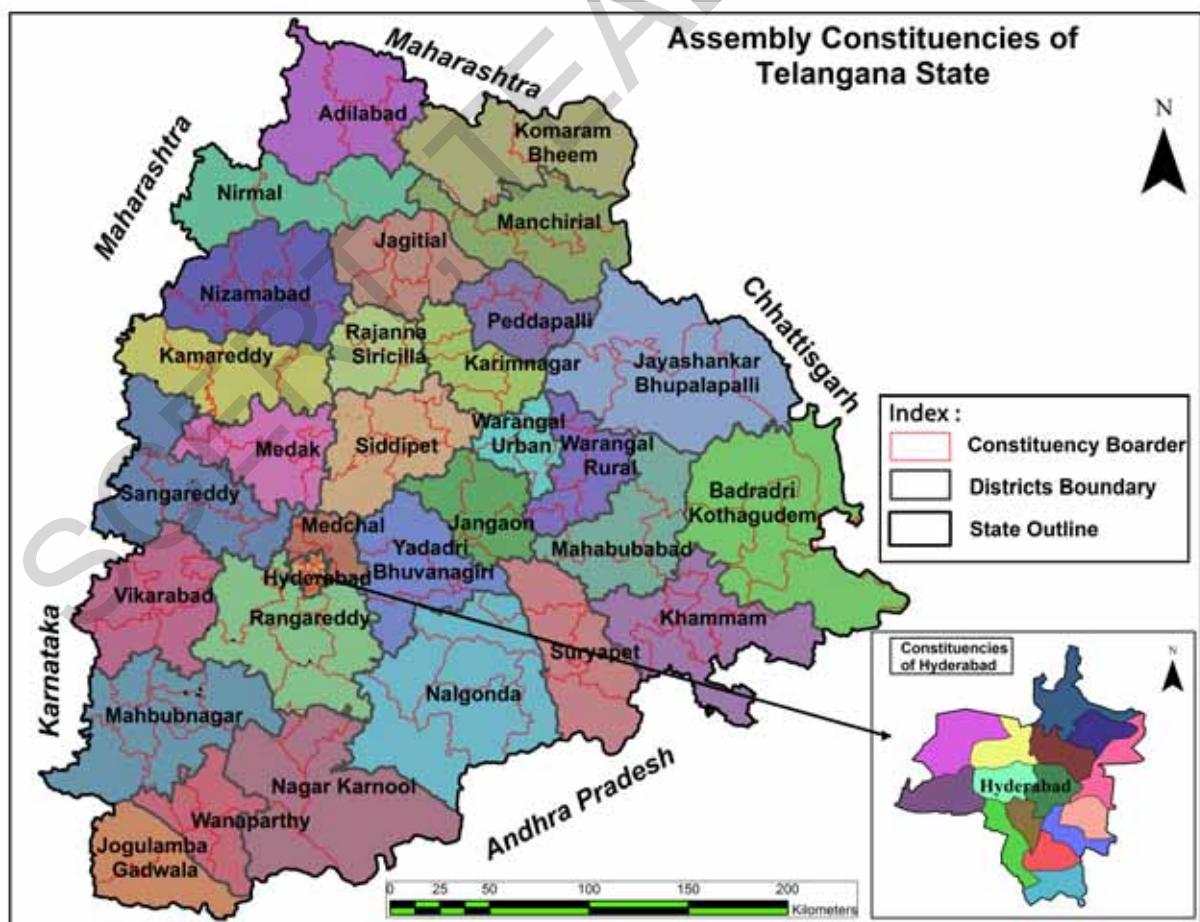
### Legislative Assembly

This is the most important body for making laws in a state. State Governments are responsible for implementing these laws and formulating policies for the welfare of the state, is largely composed

of Members of the Assembly. State Assembly members (MLAs) are elected by the people just as panchayat members are elected.

The normal tenure of the Legislative Assembly of every State is for five years but it may be dissolved earlier by the Governor. Likewise, its term can be extended by one year at a time by the Parliament during a National emergency.

The State Legislature must meet at least twice a year and the interval between any two sessions should not be more than six months.



**In Telangana, laws are made by the state legislature, which has two chambers:**

Chamber	Member	Short Form
Legislative Assembly	Member of Legislative Assembly	MLA
Legislative Council	Member of Legislative Council	MLC

## Assembly Constituency

Each member of assembly is elected from a constituency. The number of constituencies in a state will depend upon its population. Telangana State has 119 constituencies. A constituency in Telangana has about 1,70,000 voters. You may remember that all men and women of 18 years of age or above have the right to vote. They have to get their names registered as voters in the area where they live. All voters of one constituency will vote to elect one member for the Assembly.

Each constituency comprises of a number of villages, towns and cities. A big city like Hyderabad is divided into thirteen constituencies. Look at the map of Telangana. You can see that districts which have larger population have more constituencies while those with less population have fewer constituencies.

## Election of MLA

Election Commission can conduct the Election of all state assemblies. Usually, election to the state legislative assembly are held once in every five years. Persons aspiring to become MLAs contest these elections. Various political parties field their candidates. There are also individuals who contest the elections but do not belong to any political party. They are known as “Independents”. To contest elections, a person must be a citizen of India, and should

have completed twenty five years of age. He or she should not hold any office of profit under the State or Central government and should possess such other qualifications as may be prescribed by law.

In elections, political parties play a major role. All political parties and candidates come out with election manifestos. These manifestos are descriptions of programmes that they intend to undertake and promises that are relevant to the local context. The candidates and their supporters conduct campaigns by holding meetings and visiting the voters door to door.

- ◆ Make a list of the active political parties in your area and in your state along with their symbols
- ◆ Imagine that you were to contest elections from your district, prepare an Election Manifesto – your promises to the people of the constituency.
- ◆ Some people feel that contesting in elections requires spending huge amounts of money, which is possible only for very rich people. Do you agree with this?
- ◆ If, only rich people are able to contest elections, how will it affect the decisions taken in the Assembly?

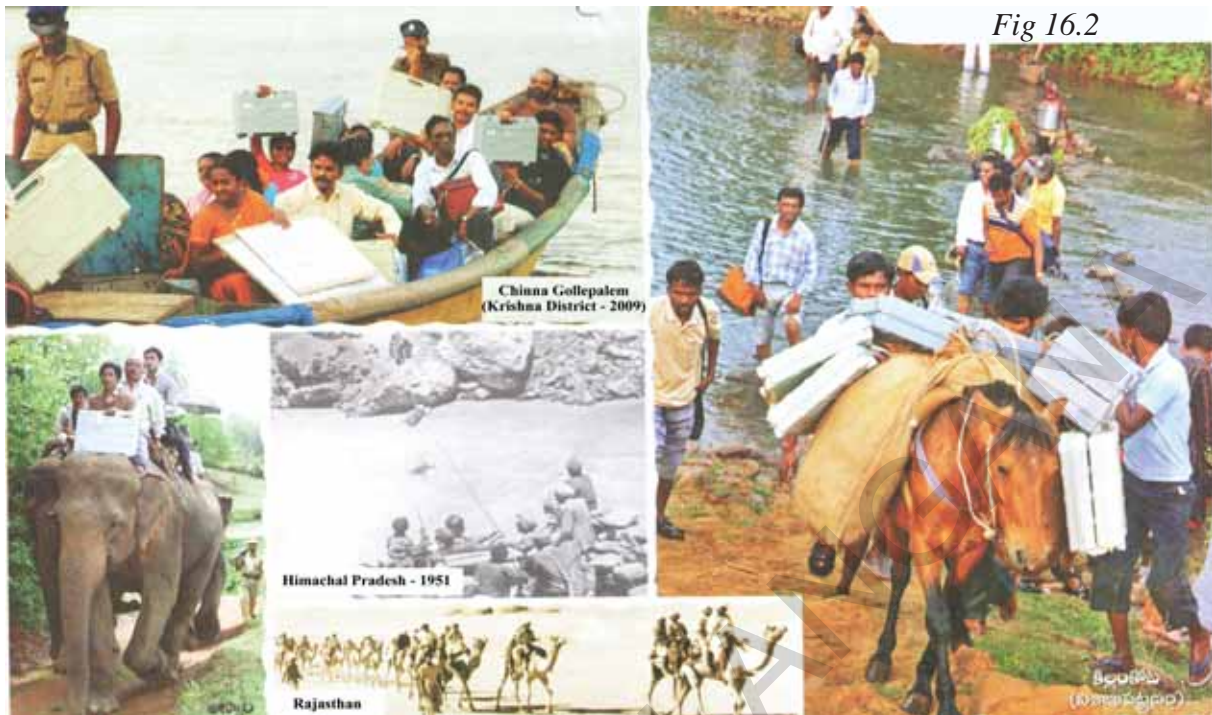


Fig 16.2

- ◆ Here are some images (Fig 16.2 ) from a calendar published by Election Commission. They show different aspects of elections in India from different times. Based on these images, discuss with your teacher or elders the changes that have occurred during the last many years.

On the election day, people vote one by one. The officer in the booth is responsible for checking the identity of the voters. In most cases, the Election Commission has given Voter Identity Cards to all the voters. These cards have to be shown to the officer. The voters do not reveal whom they voted for; it is a secret ballot. Election Commission uses Ballot Boxes or Electronic voting machines in Election Process for casting votes.

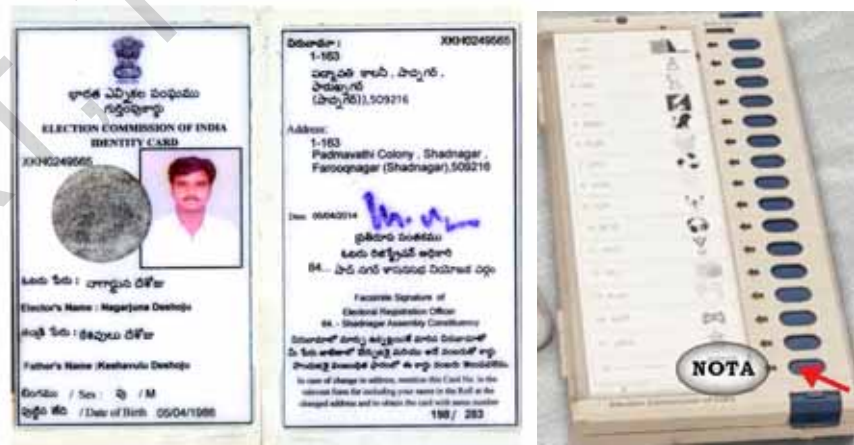


Fig 16.3 Model Voter Id & E.V.M.

- ◆ Why do you think voting has to be kept a secret?
- ◆ Examine the Photo Identity Card of your parents and prepare an imaginary Identity Card for you with all the details.

After voting, all votes are counted on a scheduled date and candidate who secures the highest number of the votes is declared elected.

- ◆ Suppose, on a constituency, 1,50,000 votes were polled. Following is the number of votes polled for various candidates. Who do you think will be declared as elected?

Ellamma	45,000
Raghavulu	44,000
Narasimha	16,000
Gulam Mohammad	20,000
Badeyya	15,000
Pooja	10,000

- ◆ To what extent do you think this winning candidate really represents the opinions and needs of the people of the constituency?

Find out with the help of your teacher:

- ◆ The name of your constituency \_\_\_\_\_
- ◆ Identify three other constituencies in your district \_\_\_\_\_
- ◆ The name of the MLA \_\_\_\_\_
- ◆ Identify the reserved constituencies in your district \_\_\_\_\_
- ◆ Name the members of the family who voted in the last elections \_\_\_\_\_, \_\_\_\_\_

## Formation of Government

Look at **Table 1**. It shows the results after an assembly election.

We see that the “*Political Party A*” got 75 winning candidates. This party has a majority. Majority in any assembly is more than half of the seats. If any law has to be made, they can easily get it passed, as more than half the members will support it.

The majority members will elect one member among themselves as their leader. He or she will be made the Chief Minister of the state by the Governor. The Chief Minister will select the MLAs from the party to be ministers. Together, they will be called the Cabinet (or ministry). In popular terms, the Cabinet is also called the ‘Government’. The Cabinet is responsible for implementation of the laws, for preparing and passing new laws and welfare schemes in the Assembly.

Table 1	Political Party	No. of Candidates Elected
1	Political Party - A	75
2	Political Party - B	17
3	Political Party - C	10
4	Political Party - D	7
5	Political Party - E	6
6	Political Party - F	4
<b>Total</b>		<b>119</b>

- ◆ Look at **Table 1** showing results of another assembly elections in another state with 119 Constituencies. Which party could have formed the Government?



Website of Telangana Election Commission  
<http://ceotelangana.nic.in/>

- ◆ If the seats among various parties are distributed as in **Table 3**, how could a new government be formed? Discuss with your teacher.

Table 3	Political Party	No. of Candidates Elected
1	Political Party - Abcd	45
2	Political Party - Mnop	33
3	Political Party - Wxyz	26
4	Political Party - Stuv	15
	<b>Total</b>	<b>119</b>

In case, no single party gets more than half of the seats, two or more political parties come together to form a Government. It is called coalition Government.

## Council of Ministers

The Chief Minister allots different ministries to the members of the Cabinet - he or she makes someone the Finance Minister, the Education Minister or the Home Minister, and so on. The Minister directs the policies in the departments under his or her charge. These policies are implemented according to the rules by officials of the departments. The ministry is responsible for preparing policies and plans which are then submitted to the Assembly for approval. After the approval of the Assembly, the ministry formulates rules and methods for implementing them and takes action to implement them.

While each ministry works independently, major policies are decided upon by the cabinet. So, if anything goes wrong, cabinet and especially the Chief Minister is held responsible for it. The cabinet also takes credit for the good work done during their tenure.

## The State Assembly

All the MLAs together elect a person as the Speaker. The Speaker conducts the Assembly meetings – he or she decides what should be discussed, when and who will speak and in what order. If any one disobeys, Speaker has the power to punish them.

As mentioned above, the Assembly has to approve all the laws, policies and levying of taxes by the government. Before giving approval, the members discuss the proposals very carefully and different points of views are expressed. Thus, the benefits and ill-effects of such

measures are discussed in great detail. These are also reported through newspapers and TV to the public.

The MLAs also keep track of all the developments in their constituencies and place the problems of the people before the Assembly. The minister of the concerned department has to make enquiries and find suitable solutions. The ministers and the cabinet, including the Chief Minister, are answerable to the Assembly – that is, they have to answer any questions raised by a member with regard to their work. If the answer is not satisfactory, the members may force the concerned minister to resign.

## The Making of Laws

How do the assemblies make laws? Usually, laws are drafted by the ruling party as it alone has the majority support in the Assembly to pass them. However, on some issues, a member can also propose a law and it can be adopted if the majority supports it. Let us look at the procedure for making a law in detail.

Before a law is passed, the proposed law is called a 'Bill'. After being passed by both the chambers and after the approval of the Governor, it becomes a law and is called an 'Act' of the state legislature.

### Legislative Council of Telangana

Until 2014, Telangana and Andhra Pradesh formed a single state. The state of Andhra Pradesh had two houses. The second house is called the Legislative Council. It has been in existence in two spells from 1958-1985 and from 2007 till today. It is a permanent house.

Telangana Legislative Council consists of 40 members. Members of this house, known as MLCs are elected for six years. After every two years, one-third of its members retire. To contest in this house, a person should be a citizen of India and above 30 years of age. He or She should not hold any office of profit under the State or Indian government and must possess such other qualifications as may be prescribed by the Parliament. The *Composition is as follows:*

- ◆ 14 members (1/3) are elected by the MLA's.
- ◆ 14 members (1/3) are elected by the members who were elected to Local Bodies like panchayats and municipalities.
- ◆ 3 members (1/12) are elected from Graduates.
- ◆ 3 members (1/12) are elected from Teachers.
- ◆ 6 members (1/6) are nominated by the Governor.

In order to make any law in the state, it has to be approved by both the houses.

**Governor :** The Governor of a state is appointed by the President of India. Her/his job is to ensure that the state government functions according to the Constitution of India. The Governor appoints the Chief Minister and other members of the council of ministers. The constitution vests in the Governor all the executive powers of the State government.

**Find out who is the governor of Telangana.**

## System of Reservation

It has been observed that it is very difficult for weaker sections of the population, like the dalits or adivasis, to fight and win elections. As such, very few of them get elected to the assemblies. In order to ensure that they are adequately represented in the Assemblies, the Indian Constitution reserve certain constituencies for the Scheduled Castes and Scheduled Tribes.

### Reserved Constituencies in Telangana State Legislative Assembly:

Total Number of Constituencies : 119

Constituencies Reserved for SCs : 19

Constituencies Reserved for STs: 12

Nominated Person from Anglo Indian Community : 1

- ◆ Many people feel that similar reservation of seats for women too should be ensured. What do you feel?

The minister who brings the Bill will describe in detail the reasons for the new law in the Assembly. There will be a lot of discussion and sometimes opposition from different MLAs. There could be suggestions to improve the provisions in the Bill. A small committee consisting of both ruling party and opposition members is set up to discuss these suggestions. After taking all such aspects and necessary changes into account, it will be first approved by the Cabinet. Then, it will be placed before the Assembly for voting. If more than half the members of the Vidhan Sabha accept the bill, it will be passed and taken to the Vidhan Parishad. If the Vidhan Parishad passes it, then it will be sent to the Governor for approval. After his or her approval, the bill will be called an Act and published in gazettee.

## Discussions in the Assembly

Let us read an *imaginary* example of the discussions that can take place in the Legislative Assembly.

**MLA (1):** Honourable Speaker, due to lack of rain for the past three years, the groundwater level in my constituency has decreased too much. The Government has not taken any steps in this regard. Moreover, there has been an increase in the number of borewells. I wish to know from the Honourable Minister the steps being taken for underground water conservation.



Fig 16.4

**MLA (2):** Hon. Speaker, yes it is true. The situation in my constituency is no better. The work of the officials is not satisfactory. The people have to walk a long distance to fetch drinking water.

**MLA (3):** Hon. Speaker, the Government should provide money to strengthen the bunds of the tanks, remove the silt, and should take suitable steps to store the rain water during rainy seasons. Moreover, trees should be planted on the bunds to prevent breaching of the tank bunds.

**MLA (4):** Hon. Speaker, the Government is aware of the situation. It has already taken up the necessary measures to prevent further damage. The Mandals affected by the depletion of groundwater have been identified.

**MLA (5):** Hon. Speaker, the opposition should appreciate the steps taken and should offer constructive suggestions. They should not unnecessarily criticise the Government. Bunds were built on the hill slopes in my constituencies and as a result, there has been considerable rise in the level of groundwater in my constituency. Government officials are within the reach of the people.

**MLA (6):** Hon. Speaker, the Industrial units in my area are discharging polluted water into the river and it has adverse effects on the health of the people. I would like to know the steps being taken by the government in this regard since drinking water is a serious issue in my constituency.

**Minister:** Hon'ble Speaker, the Government has great concern for the health of the people. It has taken up all the remedial and protective measures in the drought prone mandals. Development of tanks, plantation of trees, and banning sand mining are some of them. The Government takes into consideration the suggestions of the honourable members and also seeks the support of all for the successful implementation of the programme.

- ◆ What would be your response on the above issue if you were an MLA?
- ◆ What is the difference between the role of a ruling party MLA and an opposition party MLA?

**The Government of India passed two acts for the protection of children. They are :**

- 1) POCSO Act - 2012 (Protection of children from sexual offences Act, 2012.** This act ensures children's well being and safety.
- 2) The Juvenile Justice (care and Protection of children) Act, 2015.**

This act ensures protection to the children in conflict with law and those in need of care and protection (orphans and others). For such children the act provides education, health, nutrition, counselling etc., to help them assume a constructive role in the society.

## Keywords :

1. Manifesto                      2. Cabinet                      3. Speaker

### Improve your learning

1. Name a few areas related to the day to day lives of ordinary people on which laws should be made.
2. Your school belongs to the department of School Education. Find out some laws which are applicable to your school (students, teachers, headmaster/principal/ PTA).
3. There is a law that no child in the age group of 6 to 14 should remain out of school. What steps should be taken to implement this law? Discuss among yourselves with the help of your teacher.
4. Read the para under the sub heading 'The making of laws' and answer the question given below. Suppose you are a member of the Telangana Legislative Assembly, which issue will you raise for the making of law and why? Explain with an example.
5. Suppose there is a state under the name of Purabgarh with MLA seats of 368. After an election, different political parties got seats as shown below:

Party A	=	89
Party B	=	91
Party C	=	70
Party D	=	84
Others	=	34
Total	=	368

Read the above table and answer the following questions:

- a) Of the 368 seats, how many seats are needed for getting a majority to form the government in the state?
  - b) Which is the single largest party?
  - c) Can the single largest party form the government? If not, what can be the alternatives to form the government?
  - d) How would a coalition government be different from a one party government?
6. At present, very few States in our country have a bicameral legislature. Can you name them?
  7. Locate the Assembly constituencies of your district in your district map (Take the help of map.1).
  8. Write an imaginary dialogue for the following picture in the context of the chapter

