

Making of Laws in the State Assembly

In this section, so far we have been reading about how the people managed their public affairs – how they ruled or were ruled. We studied last year 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 from them at their will and used the money to build large palaces for themselves, to fight wars and also 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 don't have any kings or warriors ruling us. We became independent of the British rule more than sixty years ago. So how do we rule ourselves now? You know that there are MPs, MLAs, Ministers, Chief Ministers and high 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 Parliament. The Constitution of India lays down how these bodies can make laws. They make laws according to these procedures. In this chapter we will read in detail about how state legislatures make laws.



Fig 18.1 AP-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

- ◆ News papers are often written with the assumption that they are read by adults. So first find out the word meanings – *conviction*, *allayed*, *apprehension*, *pursuance*, *contravening*, *implementation*.

- ◆ In the context of 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 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.

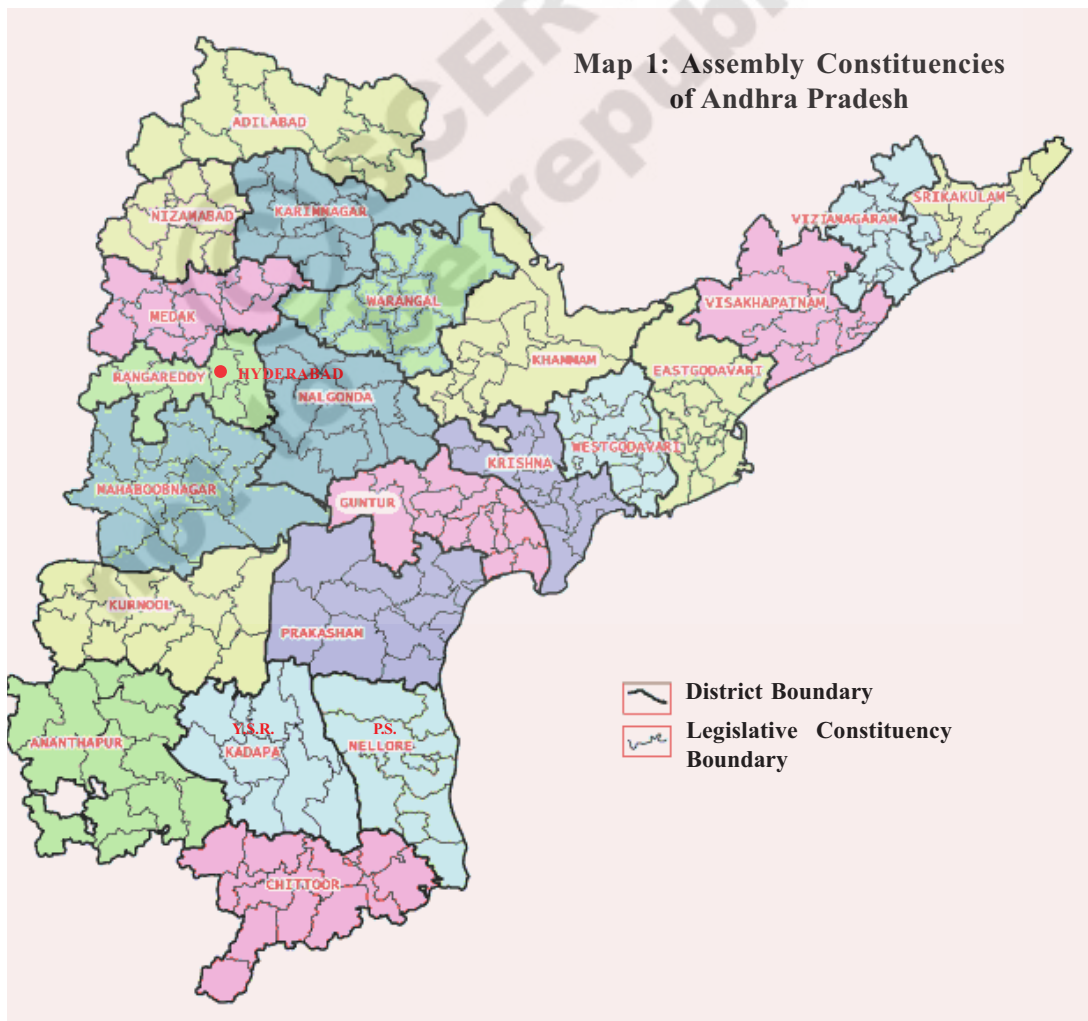
Legislative Assembly

This is the most important body for making the laws for the state. The Government of Andhra Pradesh which is responsible for implementing these laws and also formulating policies for the

welfare of the state is largely composed of Members of the Assembly. Our state Assembly has 294 members (MLAs) who are elected by the people just as panchayat members are elected.

The normal tenure of the Legislative Assembly of every State is of 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 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 Andhra Pradesh, 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 of these 294 members is elected from a constituency. Thus there are 294 constituencies in the state. The number of constituencies in a state will depend upon its population. A constituency in Andhra Pradesh 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. Or big cities like Vijayawada is divided into three constituencies. Look at map of Andhra Pradesh. You can see that districts which have larger population have more constituencies while those with less population have fewer constituencies.

Election of MLA

Usually elections 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 election and do not belong to any political party. They are known as “Independents”. To contest elections a person should 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 campaign by holding meetings and visiting the voters door to door.

- ◆ Make a list of political parties which are active in your area and the state along with their symbols.
- ◆ If you were to contest elections from your district, prepare an Election Manifesto – your promises to the constituency people.
- ◆ 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 18.2

- ◆ Here are images (Fig 18.2 & 18.3) from a calendar published by Election Commission. They show different aspects of elections in our country from different times. Based on these images discuss with your teacher or elders what changes 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 voters. These cards have to be shown to the officer. The voters do not reveal whom did they vote for; it is a secret.



Fig 18.3

- ◆ Why do you think this has to be kept a secret?
- ◆ Examine the Photo Identity Card of your parents and try to prepare an imaginary Identity Card for yourself 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, In 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 _____
- ◆ Who all in your family voted in the last elections _____, _____

Formation of Government

We have read that there are 294 constituencies in AP. Now what happens after elections? Look at **Table 1**. It shows results after an assembly election.

We see that the political party A got 156 candidates and the political party B won second largest number of candidates, i.e. 92. The party which has more than half the number of seats is considered to have got majority. If any law has to be made they can easily get it passed as more than half the members will support it. The majority party (in this case the political party A) 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 from among party MLAs 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

Table 1	Political Party	No. of Candidates Elected
1	Political Party - A	156
2	Political Party - B	92
3	Political Party - C	18
4	Political Party - D	10
5	Political Party - E	7
6	Political Party - F	4
7	Political Party - G	2
8	Political Party - H	1
9	Political Party - I	1
10	Political Party - J	3
Total		294

implementing development plans and for preparing and passing new laws and welfare schemes in the Assembly.

Table 2	Political Party	No. of Candidates Elected
1	Political Party - P	202
2	Political Party - Q	50
3	Political Party - R	11
4	Political Party - S	11
5	Political Party - T	8
6	Political Party - U	3
7	Political Party - V	9
Total		294

Table 3	Political Party	No. of Candidates Elected
1	Political Party - Abcd	110
2	Political Party - Mnop	99
3	Political Party - Wxyz	45
4	Political Party - Stuv	40
Total		294

- ◆ Look at **Table 2** showing results of another Assembly elections. Can you find out which party could have formed the Government?
- ◆ Suppose after an election seats among various parties are distributed as in **Table 3**. Discuss with your teacher how a new government could be formed.

In case no single party gets more than half of the seats, two or more political parties come together to form a

Free Distribution by Govt. of A.P.

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 a Finance Minister, another Education Minister or Home Minister, and so on. The Minister directs the policy of 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 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, etc. are decided upon by the entire cabinet – so if anything goes wrong the entire cabinet and especially the Chief Minister is held responsible for it. The entire cabinet also takes the credit for good work done.

The State Assembly

All 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 in what order. If any one disobeys, Speaker has the power to punish them.

As mentioned above, the Assembly has to approve all laws, policies and levying of taxes by the government. Before giving its 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 news papers and TV to the public.

The MLAs also keep track of all developments in their constituencies and from time to time place the problems faced by the people before the Assembly. The minister of the concerned department has to make enquiries and reply to all such questions. The minister individually and the entire cabinet along with the Chief Minister are responsible to the Assembly – that is they have to answer any question 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 the law. 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 approval by the Governor it becomes a law and is called an 'Act' of the state legislature.

Legislative Council

Earlier we said that Andhra Pradesh has 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. 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 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. It consists of 90 members.

Composition

- ◆ 30 members (1/3) are elected by the MLAs.
- ◆ 30 members (1/3) are elected by the members who were elected to Local Bodies like panchayats and municipalities.
- ◆ 7 or 8 members (1/12) are elected from Graduates.
- ◆ 7 or 8 members (1/12) are elected from Teachers.
- ◆ 15 members (1/6) are nominated by the Governor.

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

Governor : Governor of a state is appointed by the President of India. Her/his job is to ensure that the state government is functioning according to the Constitution of India. 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 Andhra Pradesh.

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 Andhra Pradesh State Legislative Assembly:

Total Number of Constituencies :	294
Constituencies Reserved for SCs :	48
Constituencies Reserved for STs:	19

- ◆ 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 reason 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 Vidhan Parishad. If the Vidhana 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 discussions that can take place in the Legislative Assembly.

MLA (1) : Honourable Speaker, due to lack of rains for the past three years, the groundwater level in my constituency has reduced to a great extent. 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 Honble Minister the steps being taken for underground water and Hydrology.



Fig 18.4

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 there is considerable effect on the health of the people. I would like to know the steps being taken by the government in this aspect. 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, such as development of tanks, plantation of trees, and banning sand mining. 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?

Key words :

1. Manifesto
2. Cabinet
3. Speaker

Improve your learning

1. Name the few areas related to life of people on which laws should be made.
2. Your school belongs to the department of School Education. Find out some laws which is be applicable to your school (students, teachers, headmaster/ principal/ PTA).
3. There is a law that no child from the age of 6-14 should remain out of school. What steps should be taken to implement this law? Discuss among yourselves with the help of your teacher.
4. Suppose you are a member of AP Legislative Assembly, which issue will you raise for the making of law and why? Explain with example.

5. Suppose there is a state under the name of Purabgarh with MLA seats of 368. After an election different political parties got following seats:

Party A	=	89
Party B	=	91
Party C	=	70
Party D	=	84
Others	=	34
<hr/>		
Total	=	368

Read the above table and answer the following questions:

- Of the 368 seats how many seats are needed for getting a majority to form a government in the state?
 - Which is the single largest party after this election?
 - Can the single largest party form the government? If not, what can be the possible alternatives to form the government?
 - 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. Write an imaginary dialogue for the following picture in the context of the chapter.

